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Illinois Issues

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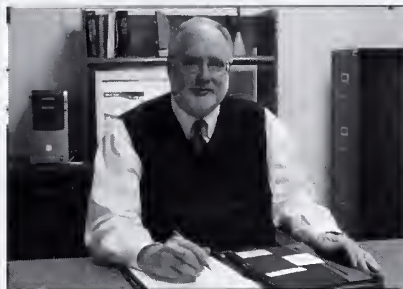
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Dana Hempel



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age, coordinated a state government bureau for a news service, oversaw enterprise projects and investigative reports.

To keep up with daily events, I would read four or five newspapers a day, along with myriad wire services that

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Dana Heupel



A lifelong newspaperman finally fulfills his magazine dream

by Dana Heupel

When I entered journalism school back in the 1970s, my intent was to work for a magazine. After all, they were everywhere in our home while I was growing up: *Life*, *Look*, *Redbook*, *Time*, *Field & Stream*, *Guideposts*.

And later, away at college, *Rolling Stone*, *The New Yorker*, *The Atlantic Monthly* — even a publication notorious for its photographs that nobody really read only for the articles.

But as the saying goes, life is what happens while you're busy making other plans. Marriage, a child — but mostly establishing visible means of support — intervened. My career veered toward and continued in newspapers: county seat dailies, then regional and statewide publications. I covered cops, schools, city and state government. At several stops, I wrote columns. Early on, I even took photographs and reported on high school sports events. As an editor, I directed staff news coverage, coordinated a state government bureau for a news service, oversaw enterprise projects and investigative reports.

To keep up with daily events, I would read four or five newspapers a day, along with myriad wire services that

[T]he convulsive changes occurring in newspapers ... will make publications such as ours even more vital.

were fed into our newsroom computers. All the while, a diverse assortment of magazines would still show up at home: *National Geographic*, *Newsweek*, *Outside*, *Consumer Reports*, *Vanity Fair*, *Southern Living*, fly fishing and golf publications, among others. *Reader's Digest*, an annual holiday gift from my now-octogenarian mother ever since I left my parents' home more than three decades ago. *Illinois Issues*, of course.

It took 30 years or so, but I've finally realized my journalism school goal. I'm honored and thrilled to take over the reins at Illinois' leading public policy magazine from retiring executive editor Peggy Boyer Long, as well as to become director of publications for the Center for State Policy and

Leadership at the University of Illinois at Springfield.

I'm deeply saddened by the convulsive changes occurring in newspapers, my passion for nearly all of my adult life. But their move toward quicker, shorter, more intensely local stories will make publications such as ours even more vital. *Illinois Issues* tries to provide the context and background of a topic, as well as balanced, in-depth analysis.

Take this issue, for example: Statehouse bureau chief Bethany Jaeger writes about public sector unions emerging as the primary force in organized labor; Chris Wetterich examines whether smoking bans throughout the state have hurt businesses and governments; Aaron Chambers looks at whether the state's "uniform" tax structure could be changed under the Illinois Constitution; James Krohe Jr. analyzes the new moment-of-silence mandate for students; and Joseph R. Fornieri takes Abraham Lincoln and Plato at their words. All that along with our regular features, such as insightful columns by Bethany and Charles N. Wheeler III, and our People and Briefly sections.

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We also want to continue to grow our circulation and our reputation. *Illinois Issues* is known in public policy circles, but we'd like more of

our fellow Illinoisans to take a look at what we produce. Our mission statement talks about "enhancing the quality of public discourse in Illinois." We take that to heart.

If you see something in our publication or on our Web site that ignites a spark, please tell a friend, a neighbor, a relative. Ask for us at your local bookstore or newsstand. And what better gift for those whose opinion you value than sending a year's worth of issues directly to their mailboxes.

I think you can guess how I intend to repay my mother for all those years of including a magazine subscription among my holiday presents. □

Dana Heupel can be reached at heupel.dana@uis.edu.

Welcome

Please welcome Patrick O'Brien, this year's intern from the Public Affairs Reporting program at the University of Illinois at Springfield, to our staff for the next five months.

Patrick, who hails from Chicago, graduated in 2007 from Northeastern Illinois University with a bachelor's degree in history, while also focusing on English and philosophy. He was editor in chief of his college newspaper and garnered statewide awards from the Illinois College Press Association for news, editorial and column writing.

He joins Bethany Jaeger in our Statehouse bureau to cover what's expected to be another contentious spring session of the Illinois General Assembly.

The Public Affairs Reporting program, directed by our columnist Charles N. Wheeler III, allows participants to work side-by-side with reporters at the Capitol.

Also relatively new to our staff are Linda Anderson, associate director for marketing and circulation, and Bonnie Burcham, our graduate assistant, both of whom

joined us last fall.

Linda oversees our marketing, advertising and underwriting efforts, as well as our promotional events. She has nearly two decades of experience in public relations, communications and marketing with non-profit, corporate and governmental entities and most recently taught high school journalism.

Bonnie, a 2007 graduate of Blackburn College, checks facts in our articles, as well as writing some of her own. She also edits our *Roster of State Government Officials*, available in March. Originally from Decatur, she is in the communication master's degree program at UIS. □



Patrick O'Brien

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A publication of the University of Illinois at Springfield

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Credits: The issue was designed by Diana L. C. Nelson. The photograph on our cover comes to us courtesy of the Service Employees International Union Local 880.

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Bethany Jaeger



The governor will renew his push for health care only to be rechallenged

by Bethany Jaeger

There's no question Gov. Rod Blagojevich is driven. Even his critics say he can "charm the spots off of a Dalmatian dog," as Republican Rep. Bill Black of Danville puts it.

To his credit, the governor also is a big thinker with a team of creative policy advisers.

But charm and ingenuity don't bode well with Illinois legislators cast aside as obstructionists.

Blagojevich has pushed for health care from Day 1 of his first term five years ago. He'll make health care a priority again this year, according to his office. But he'll have to try a different tactic after the legislature snubbed a few versions of his health care ideas last year. Blagojevich forged ahead anyway, using his executive power. He now faces a legal challenge because of it.

The governor's use of alternative routes to get what he wants is a symptom of a larger problem, the strained relationships within the Capitol. Distrust plagues negotiations between the governor and House Speaker Michael Madigan. Senate President Emil Jones Jr. tends to side with Blagojevich, pitting two powerful Democrats against one. Major pieces of legislation, including the governor's health care plans, have fallen victim to

Charm and ingenuity don't bode well with Illinois legislators cast aside as obstructionists.

political infighting and have either stalled or been held hostage in other political disagreements.

Multiple challenges haven't stopped the governor from pushing his health care agenda. When Blagojevich couldn't advance his proposals through the legislature, he exercised his administrative powers. In addition to being contested by a bipartisan rulemaking committee, the governor's use of that power is subject to a constitutional challenge.

Attorney Richard Caro of Riverside filed a lawsuit in Cook County alleging the governor violated the Constitution by trying to expand health care to 147,000 more adults without legislative approval despite its \$42 million price tag in the first year, according to the administration's estimates. The case later included similar arguments by Republican businessman Ron Gidwitz, a 2006 candidate for governor, and Greg Baise, president and CEO of the Illinois Manufacturers' Association. They filed suit on behalf of the Illinois Coalition for

Jobs, Growth and Prosperity in Oak Brook.

Executive orders must be reviewed by the bipartisan panel of lawmakers called the Joint Committee on Administrative Rules. The panel of six Democrats and six Republicans rejected the governor's rule in November because it was filed as an emergency.

"It was sprung on us at the last minute, and it was no emergency," says state Sen. Ira Silverstein, a Chicago Democrat and member of the panel.

The committee will review the same plan for expansion this month, as the administration also filed the proposal as a regular rule that goes through a more public review process.

Sen. Brad Burzynski, a Republican panel member from Clare, says cost is the primary concern. "There's not any money in the budget for the expansion. There's no statutory authority for the expansion."

He says the cost estimates are crucial if a program will create a new class of Medicaid patients at a time when the Illinois comptroller's records show the state had \$1.7 billion in unpaid bills at the end of December. (That \$1.7 billion includes more than Medicaid bills.)

The administration says it's trying to get approval to get a federal match that would help pay for at least some of the expansion under Medicaid, but the feds have discouraged states from expanding

income limitations of existing health care programs.

The Joint Committee on Administrative Rules' concerns took another hit when the governor publicly stated the panel serves only an advisory role.

That invited Illinois Attorney General Lisa Madigan to step into the Cook County lawsuit to defend the state's laws and the process of enacting those laws.

"Obviously, this case has broader implications of how the administrative process of Illinois goes forward," says Ann Spillane, the attorney general's chief of staff. "We believe it is part of our job to make sure the court hears an argument that the administrative process as it exists in Illinois is appropriate and constitutional."

The governor's office previously told news reporters that the attorney general's actions "jeopardize access to health care for hundreds of thousands of people."

Lisa Madigan's office disagrees. Spillane says Madigan "strongly supports the expansion of health care."

"I think he's trying to turn this into a political argument, and it's not," Spillane says. "It's a substantive lawsuit about JCAR. It just so happens that it deals with health care."

The numerous machinations distract from the health care issue. Lawmakers of both parties say if the governor would go about expanding health care in a different way, he'd likely gain more support.

Rep. Lou Lang, a Skokie Democrat and member of the committee, said after the November ruling that the governor can't keep trying to spend millions of taxpayer dollars on new health care programs without legislative oversight.

"While we all support a better health care system, we have something under our Constitution called the Illinois General Assembly. If the governor wants to continue to try to bypass the legislative process in his effort to create a new health care system for Illinois, I think he's got some real problems ahead of him."

The Joint Committee on Administrative Rules could have another Blagojevich health plan in its lap soon. The administration plans to stretch the governor's first-term program, All Kids, to certain young adults.

All Kids already offers health insurance to children regardless of income and

The lawmakers' conviction to challenge the governor underscores the problem of this entire General Assembly: distrust of Blagojevich and disapproval of unchecked authority.

citizenship status. Families pay monthly premiums and co-payments based on income. The All Kids Bridge, as it's called, would cover those up to age 21 who have chronic illnesses and who, therefore, are unlikely to be able to afford private health insurance policies. The self-funded program would allow people to get insurance at a group price rather than an individual price through a private insurance company.

The administration estimates the extension would cost \$15 million in fiscal year 2008, which ends June 30.

Sen. Randy Hultgren, a Winfield Republican and another JCAR member, adds that he and fellow lawmakers are open to helping more people access preventive care as intended under All Kids, but they're distrustful of the administration's claims that the expansion will be "cost-neutral."

"They're setting themselves up not to be able to meet the requirements and the expectations that we've already set," Hultgren says.

Committee members of both parties say they'd prefer the governor go through the legislative process to vet the details of the proposals, but Silverstein says he and other panel members still will have to deal with it when he does go through JCAR.

"I think we have an inherent problem here because no one gets along in Springfield, and the governor's trying to do whatever he can to get some of his public policy issues passed and implemented," he says. "It's very unfortunate."

Silverstein adds that the rules could be written in an acceptable way, but members first need adequate notice and thorough answers.

The lawmakers' conviction to challenge the governor underscores the problem of

this entire General Assembly: distrust of Blagojevich and disapproval of unchecked authority.

"There is a definite breakdown in trust here, and it's going to take a long time," Silverstein says. "Maybe this session or some divine intervention, but I don't see it happening for a while."

The governor is expected to announce his new initiatives soon. If health care tops the list again, he'll also need to announce a funding source.

Last year's funding idea went down in flames. He introduced the so-called gross receipts tax on businesses, which was supposed to generate billions of dollars to pay for an expansion of health care to adults. Lawmakers soundly rejected the idea of a business tax soon after, and the plan stalled.

Another big idea is expected. If there's one thing predictable about this governor, it's that he's a big thinker, reminds Rep. Gary Hannig, a Litchfield Democrat and budget negotiator for his chamber.

"I don't foresee this governor coming in, saying, 'Well, this is all the revenue we've got, so it's going to be kind of meager, so we're going to have a meager year.' He's a big thinker and a big doer, and I think he has grandiose plans for this year, just like he did last year. He'll tell his budget people, 'Find me a way to get some money.'"

While some lawmakers could find it politically difficult to vote against health care during an election year, they're also unlikely to find new trust in this governor if he continues to try to bypass their branch of government and stretch his executive powers to the limit.

Even if Blagojevich succeeds in expanding some existing health care programs, they still lack a guaranteed place in the state budget without approval from the General Assembly.

The legislature already is expected to have a full plate this session as it tries to balance a state budget despite decreasing revenue estimates and compounding debt, pension payments and health care benefits for retired state employees.

The governor's push for new health care programs could face more tough challenges, particularly if lawmakers don't approve or fund them. □

Bethany Jaeger can be reached at capitolbureau@aol.com.

BRIEFLY

The future of energy could start here

Courtesy of the U.S. Department of Energy

Mattoon in east-central Illinois is slated to become the center of attention in the energy industry for a world-class project using multiple clean coal technologies.

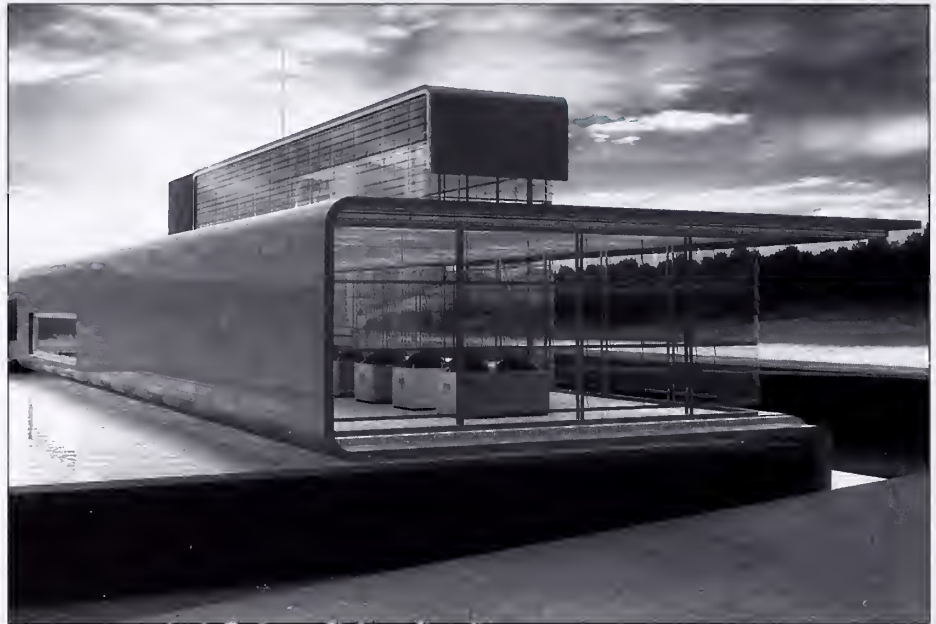
Mattoon was selected to host FutureGen, a \$1.75 billion project with the federal government that will make energy without releasing as many harmful gases associated with global warming. Instead, a liquefied form of the gas will be stored more than a mile underground and be absorbed by porous rock.

Despite the economic and environmental potential, FutureGen will have to fight for funding.

The feds, meaning taxpayers, originally were supposed to foot about 74 percent of the total cost, while the industry was expected to pay about 26 percent. Congress approved \$75 million to get the project started last year, but by mid-January, the Energy Department had yet to announce its analysis of whether the project needed to be downsized or changed given cost projections. Budget estimates already increased from \$950 million in 2004 to \$1.75 billion in 2007.

But the plan is moving forward as the FutureGen Alliance, a group of energy professionals, and its partners in business, labor and state and county governments shift the focus. They're working on site-specific, technical issues to ensure the liquefied gas stays put in the Mount Simon Sandstone Formation, the deepest sandstone in the Illinois Basin, which underlies most of Illinois and parts of Indiana and Kentucky. That's according to the Illinois State Geological Survey, which is helping with the research.

FutureGen will use two high-tech, experimental processes on site to reduce pollution.



Artist's rendering of a FutureGen plan

First, a process called gasification separates the bad gases from the good. It converts coal into carbon dioxide and a hydrogen gas, which is used to generate electricity and only releases water vapor.

That's a boon for Illinois, which has one of the largest reserves of coal in the nation. But traditional Illinois coal power plants emit sulfur dioxide, a gas that accumulates and pollutes the Earth. FutureGen would make it more feasible to use Illinois coal by taking sulfur dioxide out of the equation, according to Robert Finley, director of the Energy and Earth Resources Center at the Illinois State Geological Survey.

"You never create some of these wastes in the first place," he says.

Second, FutureGen will inject the carbon emissions into the Mount Simon Formation. The porous rock acts like a sponge but has an impermeable, shale lid so nothing escapes.

According to Finley, no effect on the

groundwater is expected, but he says scientists will closely monitor groundwater and soil to rule out leaks.

If successful, FutureGen will provide a model for other power plants, not to mention offer economic and environmental benefits, says Jack Lavin, director of the Illinois Department of Commerce and Economic Opportunity, which helped coordinate the bid for the FutureGen project.

"It's a win-win for Illinois, the country and the world. For Illinois, you're going to create jobs here locally. For the country, you're going to help the coal mining industry by unlocking the coal reserves we have throughout the country. And for the world, it's helping to address the global warming issues."

Launched in 2005, FutureGen construction is expected to start in 2010 with a startup and testing in 2012.

by Bethany Jaeger

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>

LEGISLATIVE CHECKLIST

Legislative action is expected to pick up this month in the Illinois General Assembly. Lawmakers introduced several new measures ranging from halting a mandatory moment of silence in schools to protecting children from Internet predators. Several other measures from last year became state law in January.

Statewide smoking ban

Illinois now bans smoking statewide in such public places as bars, restaurants and casinos. Smoking is allowed at least 15 feet away from building entrances. Exemptions are allowed for private residences that do not provide day care or foster care and for retail tobacco stores. These stores must make 80 percent of their gross revenue from the sale of tobacco products.

The new law also has the first of many more proposed exemptions. Introduced by Rep. Mike Boland, an East Moline Democrat, an exemption would apply to veterans' halls and clubs, many of which are rented for weddings and private parties.

School aid funding

State elementary and high schools will receive a \$400-per-child boost in the minimum level of funding guaranteed by the state for each student. The measure also increases reimbursements to schools to pay special education teachers, a rate that hasn't increased since 1985.

Teen drivers

Drivers age 18 and younger with permits are banned from driving after 11 p.m. on weekends and 10 p.m. on weekdays, with exceptions for emergencies and work-related driving. Teens now must have permits for nine months instead of three and are restricted to one teenage passenger who is not a family member. Those who are caught breaking the rules must wait nine months to receive their nonrestricted or graduated licenses from the state. Parents also must

provide written permission for teens to apply for licenses and spend a minimum of 50 hours behind the wheel with them before they can get their licenses.

Sex offenders

Sex offenders cannot work, manage, operate or be associated with county fairs where anyone younger than 18 is present. A newly introduced measure would ban sex offenders from delivering newspapers or shopping fliers to homes.

Methamphetamine

In an attempt to address the growing problem of meth use in Illinois, a new state law has increased the penalties for illegal possession of anhydrous ammonia, a primary ingredient in the drug's production. Attempting to illegally possess, transport, store or deliver the chemical is now a Class 4 felony, punishable by one to six years in prison.

Emergency response

Indoor and outdoor recreational facilities, including park districts and community colleges and universities with exercise rooms, are required to have at least one automated external defibrillator on site for medical emergencies. These devices are used when a person goes into cardiac arrest and have been shown to save lives if immediately available during an episode. At least one person on staff must be trained in the use of the defibrillator. Privately owned gyms also are required to comply by July 1, 2009.

Stem cell funding

Stem cell researchers can receive public funding through the Illinois Department of Public Health under a new state law. The law allows embryonic stem cells, which are from human embryos, to be used without restrictions. That type of stem cell has potential to form many kinds of new cells that can help treat such chronic conditions as Parkinson's disease, diabetes and heart disease.

Newly introduced legislation, January 2008:

Moment of silence

One Democrat and one Republican in each chamber have sponsored legislation to tame a new state law that requires teachers to observe a moment of silence to start each school day. The measure would give teachers leeway in deciding to have a moment of silence or moment of prayer for all students. Currently, there is no punishment for teachers who do not observe the moment, which is undefined in the state law. (See *Illinois Issues*, November 2007, page 9, and page 25 of this issue.)

Presidential elections

Illinois could join other states that agree to elect the U.S. president by popular vote, or sheer numbers, instead of by the Electoral College if the governor approves a measure on his desk.

Electronic bullying

Adults who use the Internet to send harassing or obscene messages to persons under 18 would be charged with a felony, punishable by up to six years in prison and a fine of up to \$25,000.

HIV testing

HIV testing for students would be more anonymous in an effort to get more teens screened for the disease under proposals by two Chicago Democrats. The proposals would allow the Illinois Department of Public Health and local health departments that conduct HIV/AIDS testing to keep students' test results from being disclosed. Currently, health officials must tell school principals if a student at the school tests positive for the disease.

Patrick O'Brien

CONSERVATION

Farmers help ecologists clean up the Mackinaw

Photographs courtesy of Timothy T. Lindenbaum

Farmers will have a chance this spring to tour a demonstration plot where scientists are researching ways to reduce nutrient and sediment loss in the Mackinaw River watershed, which covers more than 740,000 acres in central Illinois. The Nature Conservancy has been working with area farmers for more than 10 years to encourage such land management practices as grass waterways, stream buffers and conservation tillage to mitigate the amount of agricultural nutrients flowing into the state's and nation's rivers. More recent approaches include building or restoring wetlands.

Eight years of scientific studies revealed that the surface strategies didn't reduce nitrogen levels in area streams and rivers. That finding surprised scientists but led them to conclude that the deep tile systems draining most farm fields carry excess fertilizers to the streams and that one solution would be to create wetlands to filter the runoff by natural processes.

The Franklin family in McLean County has dedicated 250 acres of farmland for projects that show runoff management practices, including a new approach to underground tile. Rather than laying tile in the usual grid pattern, a new technique uses geographic mapping technologies to place the tile along natural contours. The water flows to a series of three wetlands — all monitored for scientific data collection — where nitrates are taken up by plants and broken down to natural elements.

But some of these technologies can be expensive, says Maria Lemke, an aquatic biologist with The Nature Conservancy who guides the research and outreach efforts. "In this next phase, we are looking at the economic component. How much does it cost to put in these wetlands? Then what benefit does the landowner or the farmer have by taking land out of production and putting it into these wetlands?"

The conservancy's stated goal is to balance the economic needs of farmers with ecology, so Lemke says the scientific evidence will be carefully evaluated. In the next few years she hopes to be able to give farmers a true cost/benefit analysis of using wetlands to help clean the water flowing to the Gulf of Mexico.

Beverley Scobell



More than 90 percent of the Mackinaw River watershed is farmland.



Farmers can learn about cutting-edge agriculture at the McLean County demonstration farm.



University students view an artificial wetland created on the Franklin family farm.

PALEONTOLOGY

Rockford museum unveiling new dinosaur finds

Photographs courtesy of the Burpee Museum

The Burpee Museum in Rockford has had another big year, and it's ready to celebrate. For the 10th PaleoFest, held this year the first weekend in March, it is bringing out Homer, the restored skull of a juvenile *Triceratops horridus* found in Montana in 2005.

"What we found over the last two years in 2006 and 2007 was that we had a *Triceratops* bonebed. That's the horned dinosaur everyone's familiar with," says Scott Williams, collections manager for the museum. "It's the first known *Triceratops* bonebed ever found."

The fossils came from a desolate area of southeastern Montana known as the Hell Creek site. The sandy buttes have revealed the remains of other *Triceratops* over the past 120 years of digs, but always as individuals, not several together. The Burpee find includes three immature animals, all about the same size and age, "teenagerish," Williams says. The team expects to find more on future digs.

The Burpee Museum has gained international recognition for its paleontology, finding Jane, a near-complete juvenile *Tyrannasaurus rex*, in 2005. The upcoming PaleoFest will feature talks by some of the most prominent scientists in the field, including Jack Horner, who was the dinosaur expert for Steven Spielberg's movie *Jurassic Park*.

A unique feature of the Burpee digs is that they encourage volunteers to join the paleontologists. Nearly 70 nonprofessionals have joined excursions and given more than 1,500 hours to museum work. Both Jane and Homer were found by volunteers, who got the honor of naming them — and, yes, he was named for Homer Simpson.

The next research trip is planned for a new site in Utah. Williams says an early scouting trip revealed it could be another treasure trove of buried fossils, a bonebed largely unexplored by other scientists. This year, he says, could be their biggest yet.

More details about PaleoFest and ongoing research can be found at the museum's Web site at www.burpee.org.

Beverley Scobell



*A cast containing fossilized bones of a *Triceratops* named Homer arrives at the Burpee.*



A Burpee Museum crew works at the site of the Homer discovery in Montana.

Freedom of information

A deadline looms for Gov. Rod Blagojevich after a Sangamon County Court ruled last month that he must release subpoenas issued by federal prosecutors at the request of the Better Government Association. The nonpartisan government watchdog group in Chicago says the governor is violating Illinois' open records law by not making the subpoenas available to the public.

Dennis Rendleman, assistant professor of legal studies at the University of Illinois at Springfield, says he doubts the case will be resolved quickly because of its "curious and bizarre" nature, which involves applying state law to a federal investigation. It is unlikely that a ruling by a state judge could compel a federal agency to act, he says.

Thomas Londrigan Sr., whose firm Londrigan, Potter & Randle is representing the governor in the case, says only the U.S. attorney's office in Chicago could give the governor permission to release the files, but that prosecutor Patrick Fitzgerald's office "has a procedure to follow." Fitzgerald's office declined to comment on the ruling.

The Illinois attorney general's office argues that the subpoenas are public records under state law and must be disclosed.

The subpoenas were issued to the Blagojevich Administration as part of several ongoing federal investigations into alleged hiring fraud and other political corruption allegations.

The ruling by Sangamon County Judge Patrick Kelley gives the governor until February 8 to appeal or to release the subpoenas.

by Patrick O'Brien

Seniors ride free

Photograph by Bethany Jaeger

Seniors across the state will ride for free on public transportation, including Pace buses and commuter rail within district lines, after the Illinois legislature approved Gov. Rod Blagojevich's idea last month.

The governor announced his plan for seniors, age 65 and older, the day the legislature approved a long-sought agreement on how to save mass transit systems in northeastern Illinois from financial peril. Because

the deal would fund the systems by enacting a small increase in the regional sales tax, Blagojevich broke a two-term campaign promise not to raise general state taxes in order to approve the legislation. But he changed the measure to give a break to seniors to help mitigate the tax.

"I'm going to turn what I believe is a lemon into lemonade. I'm going to sweeten the bill," he said at a Statehouse press conference last month.

The fares seniors would have paid equals lost revenue, which the governor's office estimates is up to \$30 million a year. Individual transit districts will be responsible for implementing rules for a free ride, although lawmakers are considering adding income limits and free rides for other low-income riders statewide.

Downstate could lose at least \$1 million, although some within the transit industry estimate that cost could be lower than that or could climb to as much as \$4 million.

For downstate mass transit systems, losses could be offset by a 10 percent increase, from 55 percent to 65 percent, in state aid for operating costs.

Outside of the Chicago area, free fares for seniors only apply to 17 downstate fixed route systems. Linda Podeschi, executive director of the Springfield-based Illinois Public Transit Association, says, "I think that's doable."

The free fares could result in more riders, which Podeschi says is a good thing but requires agencies to adjust.

Bill Jung, for instance, runs the Rides Mass Transit District in the southern tip of Illinois to transport seniors, people with disabilities and the general public throughout the region. He says the impact is still being calculated in terms of lost revenue, but some agencies already offer free rides to seniors. He adds that more state money also means more services, an important perk in rural areas that lack any public transportation. *by Bethany Jaeger*



State Sen. Ricky Hendon speaks outside Gov. Rod Blagojevich's Statehouse office after a mass transit plan was approved.

UPDATES

- The former DeKalb-based Cavel International Inc. wants a hearing before the U.S. Supreme Court to consider the effect of a new Illinois law that bans horse slaughtering for human consumption and the sale of its meat in the state or overseas. This would be an appeal from the U.S. Seventh Circuit Court of Appeals, which affirmed the Illinois law. (See *Illinois Issues*, July/August 2007, page 10.)
- The U.S. Department of Homeland Security settled with Illinois so businesses can continue to use E-Verify, a federal database used to check applicants' immigration status. Illinois previously enacted a state law designed to prevent businesses from using what Illinois calls an unreliable system. (See *Illinois Issues*, November 2007, page 13.)

BOOKS

Abe & Mary: New views of their separate stories

In *The Age of Lincoln*, Orville Vernon Burton masterfully weaves telling snapshots of historical events — the Millerites waiting for the Rapture, abolitionist John Brown's raid, the caning of Sen. Charles Sumner, slave Robert Small's capture of a Confederate gunboat — into overarching national issues — religion, economy, war, freedom — to describe the United States in the seven decades surrounding Abraham Lincoln's presidency. Burton, professor of sociology and history at the University of Illinois at Urbana-Champaign, credits Lincoln with not only keeping the states united but forming them and their people into a nation.

Slavery was the issue that drove the states to civil war, but Lincoln held to the belief that the nation must survive as a whole. "The abolition of slavery was the root but not nearly the sum of the mighty changes sweeping over the land. In squaring accounts with the flawed vision of the Founding Fathers over the questions of states' rights and slavery, America itself underwent a tremendous, troubling social revolution. The modern nation was decisively shaped in the crucible of civil war."

But out of the cauldron came a new order, a commercial order. The war was fought on credit — loans issued by foreign banks and bonds bought by Americans. "The great symbol of America, which commerce and battleships soon carried to every corner of the globe, the great arbiter before which ancient cultures and high moral traditions all bow down even today, was made manifest in 1862. ... What, after all, had won the war, freed the slaves, and healed the nation except the new commercial order and the almighty dollar?" Burton asks in his book, which was published by Hill and Wang. Lincoln's wartime program of railroad construction, homestead laws,

land-grant colleges, income tax and national banks — a new "vision of freedom and order" — was affirmed by the public with his re-election.

Burton, who won the 2007 Heartland Prize for Non-Fiction from the *Chicago Tribune*, describes Lincoln as "a southern man," though he grew into manhood in Indiana and into political maturity in Illinois. But his wife, Mary Todd, was a southern woman, born to a wealthy slave-owning family and raised among the social elite of Lexington, Kentucky.

Examining the sad end of her life, Jason Emerson in *The Madness of Mary Lincoln*, published by Southern Illinois University

Press, takes a fresh view of her state of mental health based on recently discovered letters pertaining to her life and the insanity trial that was instigated by her son Robert. Emerson, who is an independent historian and freelance writer, is the first to say Mary probably suffered from manic-depressive illness, or bipolar disorder as it's called today, and traces descriptions of her mood swings back to childhood.

By the time of the trial that ruled her insane in 1875, she had suffered more personal loss than most people without a mental illness could cope with. Her mother and father, her grandmother and two sons, Eddie and Willie, as well as three half brothers and a brother-in-law fighting for the Confederacy, had died before she

witnessed her husband's violent death. Following her son Tad's death in 1871, Emerson says Mary became a "homeless wanderer," roaming the country looking for physical healing but found no peace or solace.

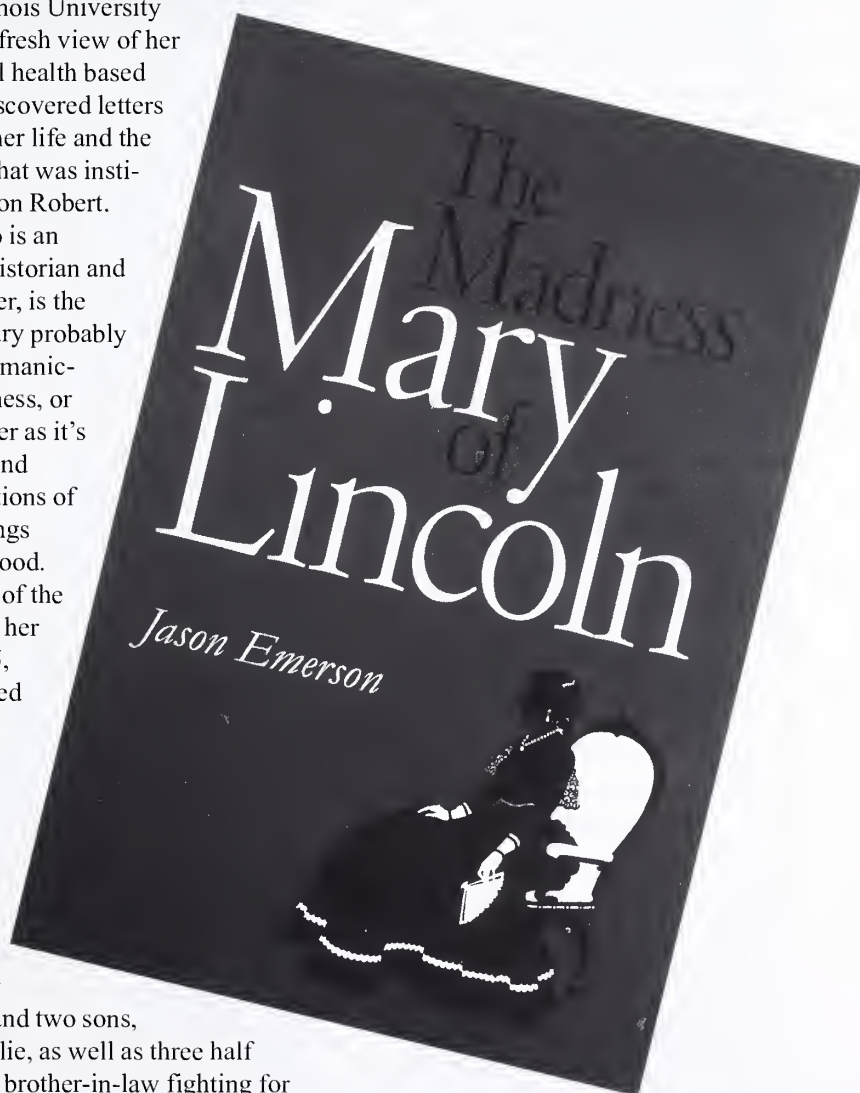
But Mary's story is also the story of her husband and his calming influence on her excesses. And it is another view of her surviving son and his attempts to protect his mother from herself. In light of the newly found materials lost for eight decades, Emerson views Robert's actions sympathetically, as those of a duty-bound son trying to protect his family and serve the memory of his father.

Beverly Scobell

Photograph by L. Brian Stauffer, courtesy of the University of Illinois at Urbana-Champaign



Orville Vernon Burton



Q&A Question & Answer

Eileen Makevich

She is the executive director of the Abraham Lincoln Bicentennial Commission. The Chicago-based Makevich was appointed to the post by commission co-chairs U.S. Sen. Richard Durbin and U.S. Rep. Ray LaHood. Makevich's role is to coordinate the efforts of the commission to come up with celebratory and educational programs for the bicentennial of Lincoln's birth.

Makevich is the co-founder and president of the Chicago Humanities Festival from 1989 to 2005. She was a broadcast journalist and talk show host for 18 years with WBEZ in Chicago and previously worked as deputy director of the Illinois Humanities Council.

One of her major efforts as executive director is to build a federally allocated \$750,000 appropriation into a \$10 million budget for the work of the commission. She recently spoke with Bonnie Burcham, Illinois Issues' graduate assistant, about commission plans. This is an edited, condensed version of that conversation.

Q. What is the goal of the commission?

We need to make history exciting, relevant, important, meaningful. That's what the challenge is to the commission, to make [accessible] the idea of Lincoln's, as he put it, unfinished work. The idea of freedom, equality, opportunity — and not just make them buzz words, but to explain how they are part of the very fabric that is the United States today.

The commission has a goal to open up this celebration to as many people as possible, to new Americans, to African Americans whose evolving views are singularly important to what Lincoln accomplished.

Q. What are some of the plans for celebration at the state and national level?

I think that the plans are that at least 46 states, and we're hoping 50, will participate in the bicentennial — that the



Eileen Makevich

regions of the nation will collaborate in particular kinds of ways. So, for example, the state of Idaho was named by Lincoln; there's a whole different perspective.

But let's talk specifically about Illinois. Chicago is my hometown. There will be some extraordinary exhibits taking place during the course of the year. And I think that you will see that these tie into the themes and the goals that are part of the Lincoln bicentennial.

There will be two exhibits at the Chicago History Museum. One is titled "Lincoln and Juarez," the other "Lincoln." The idea is that Lincoln had a relationship with [Mexican President Benito] Juarez that relates, of course, to the fact that as a congressman, as a freshman congressman, he opposed the Mexican War. He questioned the whole process of expansion westward, if you will, and taking over someone else's territory.

In addition to this, Newberry Library has an extraordinary collection of abolitionist materials. This will be a complement to the traveling exhibit that comes from the Library of Congress. [It] will focus very heavily on the role of the abolitionists and Lincoln.

We also hope that there will be a

strong commitment to explore the relationship of Lincoln and the *Chicago Tribune* because there was a fellow named Joe Medill whose history is, of course, part of the founding of the *Tribune*, but many people think that he made Lincoln, Lincoln. And so that will be explored as well. I think there will be a lot of people that will be curious about that man because his name emblazes the most famous school of journalism in Illinois and perhaps [the] most famous in the country.

[U.S. Rep.] Jesse Jackson is organizing, with the help of many others, a national series of 10, perhaps 15, town halls on the discussion of equality, opportunity — [the] unfinished work of what we mean by class and race. How Lincoln has contributed to our understanding of our attitude toward race and class and ability to relate to each other across a variety of barriers.

We're also very hopeful that the Chicago Children's Choir may travel to Washington for April 12, 2009, when we will recreate the great concert where Marion Anderson, the great contralto, was not allowed to sing at Constitution Hall in Washington because of her race. She sang instead for the crowd of nearly 100,000 people at the Lincoln Memorial, and so this is the modern moment from [which] we really talk about the Lincoln Memorial as a site for protest in support of civil liberties and civil rights. And so we're recreating that concert. We are working with the Washington National Opera under Plácido Domingo, and most importantly, we hope that the Chicago Children's Choir is a [participant].

Let me also add just one more piece to the Illinois perspective [at the] Presidential Library and Museum in Springfield, where we are working on an art exhibit featuring the work of a nonagenarian whose name is Sam Fink. And we hope that that will be the basis for a teach-in, an art exhibit that will travel and [create] discussion about the role of the arts, the humanities and especially works of sculpture and art and music during the Lincoln period.

Q. Has the commission had adequate financing?

The funding issues are paramount. When Congress created this commission, I like to say that they gave us the funding for a modest staff and a moderate amount of heat, light and electricity. Sometimes we're cold here even though it's Washington. But nobody forgets us. We send out regular letters and give them updates on what we're doing. But because we're a national commission, it's not as easy as when we were at the [Chicago] Humanities Festival and we could reach out to the major corporations on Michigan Avenue. And so we really have to make the case, a national case, to all of the foundations and corporations, and we have to do it in a great hurry. We also know that we are fund-setting as a commission in 2010, so that the idea of some enduring legacy has to be made on the basis of the program, and I think we can do it but in the very complicated story, and we need to tell it in just a few words.

So are we fully funded? No. Do we need the support from individuals, from foundations, from corporations? Yes.

Q. Has financial support decreased from what was originally anticipated?

I would say that I came to this position with a set of expectations that didn't fully understand the budget process in Washington. And that is an honest statement, and so I had assumptions that we could easily increase the budget. These are very complicated times in terms of the arts and humanities, whether we are talking about the endowments or whether we're talking about the Smithsonian Institution or the Library of Congress. No, I think I had, and I don't really want to take them off, my bright pink glasses on. I saw the world, at least the glass, being more than half full. So, yes, I believed I would have more funding than I did receive, but I couldn't have more support in terms of their belief in the ideals and the values of the commission than I do from [commission co-chairs U.S. Sen.] Durbin, from [U.S. Rep.] Ray LaHood, from the entire congressional delegation. □

Another geological project for Illinois

Illinois' geography is to thank for landing another research and development project designed to capture pollutants from an ethanol plant and store them beneath the ground.

Partnering with the Illinois State Geological Survey, Decatur-based Archer Daniels Midland Co. will house the project. Carbon dioxide from ADM's ethanol plant will be captured, transformed into a liquefied gas, transported to a storage site and injected far beneath the ground, preventing pollutants from being released into the atmosphere. The process, called sequestration, is still experimental.

Robert Finley, director of the Energy and Earth Resources Center at the Illinois State Geological Survey, says sequestration is being tried in a handful of countries and has potential to directly reduce emissions that contribute to air pollution.

The goal is to confirm the potential of the sandstone for permanently storing carbon dioxide emissions without affecting the surrounding environment.

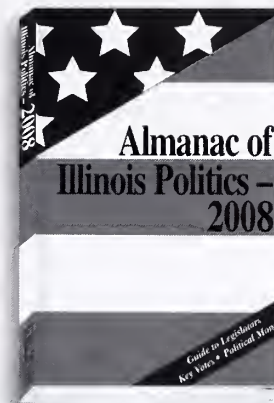
The injection site uses a porous rock formation called the Mount Simon Sandstone Formation, the deepest sandstone in the Illinois Basin, which underlies Illinois, Indiana and Kentucky, according to the survey.

The \$84.3 million project will be funded by \$66.7 million from the U.S. Department of Energy over seven years and by ADM and other corporations. Drilling of the well is scheduled to start this spring, with the carbon sequestration scheduled to start in fall 2009.

The project is separate from the FutureGen plans. (See page 8.)

by Bethany Jaeger

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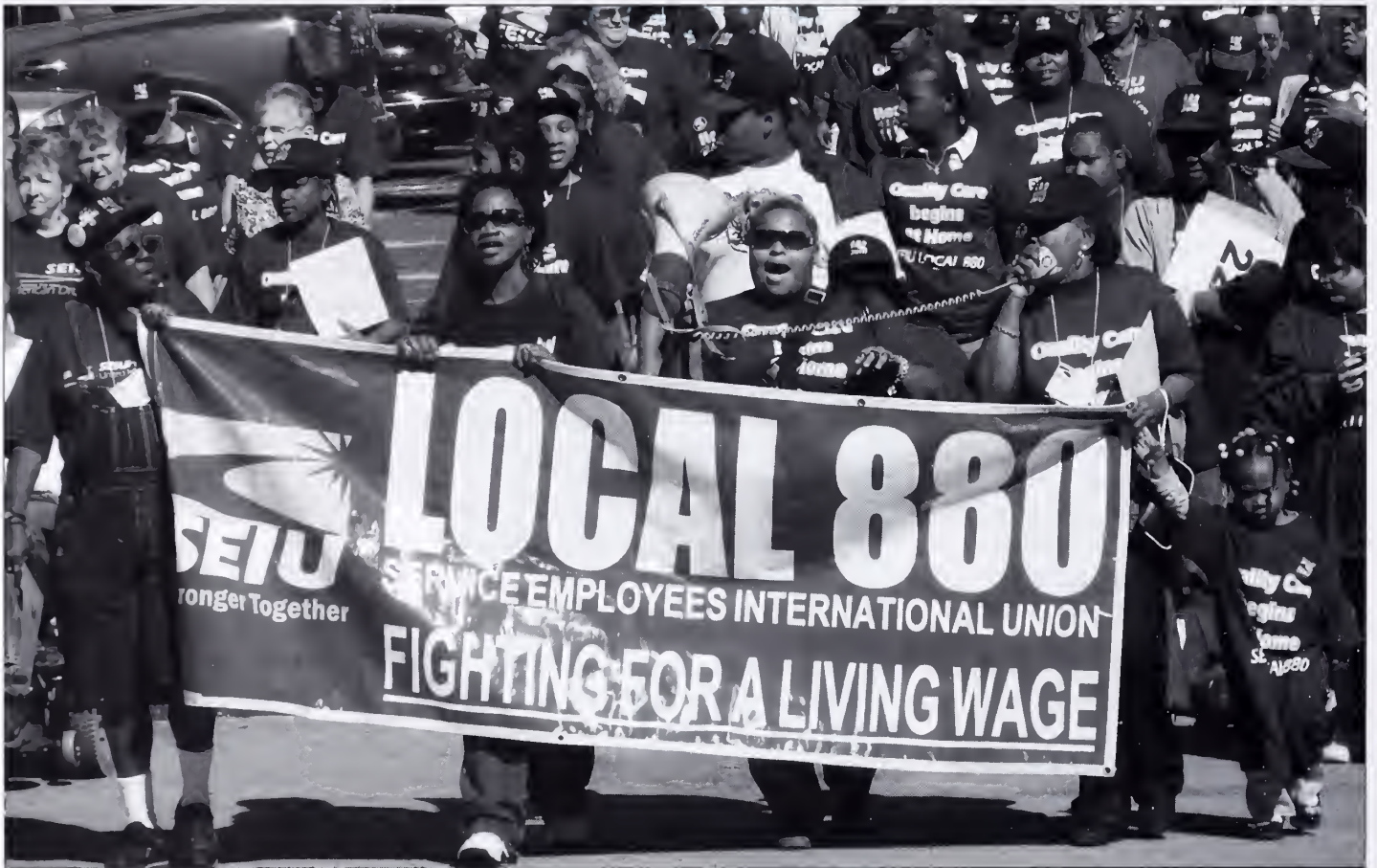
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Collective action

As unions continue to gain power in Illinois' public sector, they face their toughest battle yet for health care

by Bethany Jaeger

Photograph courtesy of the Service Employees International Union Local 880



Technology and globalization changed the face of organized labor in Illinois. For 20 years, power has shifted from unions in the private sector to those in the public arena.

Flora Johnson represents the newest wave of collective action. She is a public employee represented by a union that's become the top political campaign

donor of Illinois' two-term governor.

A home health aide, Johnson has cared for her son with cerebral palsy for 41 years and has been getting paid as his personal assistant for the past six. That's when she joined the Service Employees International Union Local 880 based in Chicago. She's now the local union president.

Yet Johnson and thousands of other union members working in health care lack health insurance, and they don't get paid if they take sick days.

She fights for her own and her members' health benefits at the state level because she's considered a public employee, one who contracts with the state to care for public aid patients.

At the same time SEIU members strive for health benefits, the union has become a force to be reckoned with as it joins Gov. Rod Blagojevich in an effort to expand health care for low- and middle-income workers statewide.

A Blagojevich supporter, Johnson's seat at the state's bargaining table is one of irony.

"We feel great that [the governor] wants to get health care for everyone, but that's not everyone when he excludes the home care workers," Johnson says. "That's why we're negotiating."

Illinois has long been a strong union state, bucking national trends through Democratic and Republican administrations. As union power shifts to workers in the public sector, it's only gotten stronger under the Blagojevich Administration. This governor has enacted numerous labor-friendly laws, and even though the union's charge for health care aligns with the governor's agenda,

the public employee unions could face their most challenging agenda yet in seeking health care for all.

They've had little progress in federal health care reform, leaving them to fight at the state level. That's like waging a small battle in the middle of World War III. Illinois' political atmosphere is oppressed by an ongoing stalemate between the executive and legislative powers, particularly over the governor's health care initiatives. That means the power of unions has come to a head with politicians who oppose the governor but who also rose to power on union support. It doesn't help that Illinois also is a state that repeatedly fails to balance its budget and to prepare for increasing costs of retirees' health care, crushing confidence among lawmakers that the state can take on such a large expense as universal health care.

Unions in Illinois, however, beat the odds before and continue to reinforce their fleet. Nationwide, workers in the

public sector had nearly five times the union membership than those in the private sector in 2006, according to the most recent data from the U.S. Department of Labor. While national union membership rates have dropped from 20 percent of the labor force in 1983 to 12 percent in 2006, the percentage of Illinois workers represented by unions was about 17 percent in 2006.

There is power in numbers. Kent Redfield, a political scientist at the University of Illinois at Springfield, says unions are strongest where they have the most members, the most efficient mobilization and the most money.

Jay Shattuck, executive director of the Employment Law Council with the Illinois Chamber of Commerce, says he didn't know how much more organized Illinois labor unions could get.

"They've pretty much got the gambit. They have pushed the envelope as far as they can push it in Illinois in almost every single case, but I'm sure they'll

Key eras in the history of public union employees

The Great Depression stopped Leslie Orear's college career. At age 22, the 96-year-old got a job at a Chicago meat-packing plant that paid 32 cents an hour because "that was better than nothing."

When he started, he says, employees sat around grumbling in the locker rooms because of working conditions. Unionization offered a ray of hope for improvement. When the Congress of Industrial Organizations approached the packinghouse in the 1930s, union power surged along with the steel and automobile industries. Membership boomed as unions merged and fought for collective bargaining rights, higher wages and safer working conditions.

Their climb to power changed, however, as technology and globalization transformed the manual labor industries.

"Robots took over," says Orear, former president of the Illinois Labor History Society in Chicago and a current member. And "what did we sell to China? Our jobs."

Power shifted from unions in the private sector to those in the public sector, which had a whole new set of demands for workers.

Here are a few key decades in Illinois' shift of union power to the public sector, provided in part by the Institute of Labor and Industrial Relations Library at the University of Illinois:

1940s The Equal Pay for Women Act passed. The American Federation of State, County and Municipal Employees formed in 1942 but didn't gain the right to collective bargaining for another three decades.

1960s The first strike of the Chicago teachers lasted three days.

1970s Under Democratic Gov. Daniel Walker, employees in state agencies gained the right to negotiate with employers. According to the union, AFSCME membership skyrocketed to 40,000 employees, and AFSCME Council 31 formed.

1980s SEIU Local 880 spawned in the mid-1980s because, under the watch of Republican Gov. James Thompson, the Illinois General Assembly approved laws allowing state and local government employees to organize.

Illinois' union-friendly sentiment contrasted with the national atmosphere. While public employees in Illinois gained power to bargain and strike, private sector workers became vulnerable to being fired if they walked off the job.

That's because in 1981, Republican President Ronald Reagan refused to negotiate with the Professional Air Traffic Controllers Organization, which wanted higher pay and better working conditions. Because the controllers were federal employees, they were not allowed to strike. Most were fired when they walked out anyway.

"Every corporation in America licked its chops and started firing workers for going on strike," says Larry Spivack, regional director of AFSCME Illinois Council 31 and president of the Illinois Labor History Society.

The power of rank-and-file workers in the public sector has grown ever since.

Bethany Jaeger

come up with something.”

The something likely is health care, which has topped Blagojevich’s agenda since he took office in 2003. Public employee unions supported the governor’s multiple controversial health care expansions while he enacted other

labor-friendly quality-of-life issues.

In 2006, Blagojevich extended health benefits to same-sex partners of state employees, which the administration estimated could cost state government an extra \$2.2 million. However, potential exists to reduce costs as well.

Just last year, unions succeeded in urging the legislature to raise Illinois’ minimum wage to \$7.50 an hour. Already higher than the national rate, Illinois’ wage will increase by 25 cents a year until it reaches \$8.25 in 2010. Employees who work 40 hours a week

Power in numbers

There is power in numbers. Kent Redfield, a political scientist at the University of Illinois at Springfield, says labor unions are strongest where they have the most members, the most efficient mobilization and the most money. Local unions offer good examples. The Illinois Education Association is a longstanding model, and the Illinois Federation of Teachers is a rising force, he says. So are law enforcement and public safety unions, as well as construction workers.

Redfield adds those unions do even better in getting labor-friendly legislation when they lobby for an issue that lacks a vocal opposition.

Population trends further contribute to the public employee union movement. Redfield says urbanization leads to larger state budgets and increased need for such local services as fire and police protection.

Here are a few examples:

Teachers Both the Illinois Education Association and the Illinois Federation of Teachers were fixtures at the state Capitol throughout 2007, the year that started with momentum to reform the way Illinois funds public education. That reform never happened, but both union groups worked to secure an additional \$600 million for education that would increase the minimum amount spent per student and raise reimbursements for special education teachers.

During Gov. Rod Blagojevich’s first term, both unions also lobbied for his agenda to expand state-sponsored preschool and reduce the number of children per classroom by hiring additional teachers.

In the 2005-2006 election season, the Illinois Education Association’s lobby group donated just less than \$2.2 million, while the Illinois Federation of Teachers donated just under \$1.8 million.

Laborers The Laborers’ International Union of North America Midwest Region, based in Springfield, serves 50,000 members. They gained numerous labor-friendly measures under the Blagojevich Administration. Since January, the state has what the unions call one of the toughest laws in the country designed to prevent state contractors from misclassifying their employees as independent contractors so they can avoid state payroll and benefit requirements.

Another effort focused on improving safety in construction zones. A new law created a “reckless homicide” penalty for drivers who kill a construction worker, punishable by up to 14 years in jail. State Police were hired to monitor work zones, and traffic fines increased to help pay for the police overtime. Cameras also are used to send tickets to motorists who speed

through work zones.

The governor also signed legislation to increase workers’ compensation benefits for employees injured on the job.

What laborers haven’t been able to do is secure a state plan to funnel state and federal funds into construction projects for roads, bridges and schools. The last time the state had such a major public works program was under Gov. George Ryan in 2001. The longer the delay for another major capital plan, the more the projects will cost because of increasing prices of oil and materials.

Edward Smith, Laborers’ International Union of North America vice president and Midwest regional manager, adds, “Our No. 1 priority is a capital bill because without a capital bill, there’s no jobs. And without jobs, there’s no health insurance. Without jobs, there’s no pension. Without jobs, there’s no money to put food on the table, send your kids to college, school.”

For that reason, the union also supports the governor’s efforts to expand state-sponsored health insurance.

“Unfortunately, without a capital bill, we have many members who have lost their health insurance through the union,” Smith says. “So we need a state plan that makes sure they don’t fall through the cracks.”

Laborer union groups donated a combined \$2.2 million in 2005-2006. They’re also one of the top five political campaign donors since 1993, donating a collective \$5.6 million, nearly all of it to Democratic candidates.

Firefighters Public employee unions with historically strong influence in the state Capitol are those that represent firefighters, including the Springfield-based Associated Fire Fighters of Illinois and the Chicago Fire Fighters Union.

Last year, the group fought for and won changes to a rule designed to protect downstate firefighters from being fired when injured on the job.

The groups collectively donated \$698,000 to political campaigns in 2005-2006. Since 1993, they’ve given \$2.75 million. About 70 percent of those donations benefited Democrats.

Law enforcement Police unions, including the Fraternal Order of Police, Illinois State Lodge, which represents 34,500 officers, also have a strong presence in legislative issues.

They endorsed Blagojevich for governor in 2006 and supported his effort to increase funding for training and to find a funding source for new squad cars.

The police unions donated a combined \$306,000 in 2005 and 2006.

Bethany Jaeger



will make \$17,160 a year, or just about the same as the 2007 federal poverty level for a family of three.

That combines with the fact that more Illinoisans are working such low-paying jobs. The state's economy has for 20 years shifted away from manufacturing and toward the lower-paying service sector, according to the most recent data from the 2007 State of Working Illinois, a series of workforce-related reports published by the Center for Tax and Budget Accountability in Chicago and Northern Illinois University in DeKalb. The report indicates average wages in Illinois have decreased in the past seven years when adjusted for inflation. Those wages also must spread further as the cost of food, housing, health care and utilities continues to rise.

Workers who belong to a union, however, fare better in this state, earning \$880 per week on average, compared with \$770 per week for

nonunion workers, according to the report. That's a 14.2 percent difference.

Business groups believe such progressive policies differentiate Illinois and contribute to an anti-business climate compared with other states, says Doug Whitley, president and chief executive officer of the Illinois Chamber of Commerce for six years. He has been involved in Illinois politics for 30.

"We're in that kind of environment today. And as a result of the Blagojevich Administration, I think that will be one of the strongest messages. I think it will take the state some time to recover from the anti-business rhetoric and actions that have flown out of Springfield during this era."

Union influence in Illinois won't change any time soon, he says, "as long as the unions have a stranglehold on Democratic politics and that there is this symbiotic relationship between elected office and public employee unions."

Union leaders hope to preserve that political influence. In Illinois, that means befriending legislative leaders and executive officeholders, all of whom are Democrats.

Larry Spivack, regional director of Illinois Council 31 of the American Federation of State, County and Municipal Employees and president of the Illinois Labor History Society in Chicago, says the Democratic Party's ideology tends to align with the union's objectives of worker rights, social control, health safety and economics for the middle class.

The power of rank-and-file workers in the public sector has grown partly because employees elect their bosses at all levels of government, he says. "It's a little bit easier to put pressure on the boss, and there's also more democratic control over the process. Shareholders have very little say over what corporations do."

[T]he state is under pressure to model benefits after those offered in the private sector, one proposed way to better balance a massive \$53 billion state budget.

Spivack labels the business community's argument against raising the minimum wage as classic ideology.

"The question is, does it drive business away, or do you want to have a higher quality of life? And I think it's the second question, a higher quality of life. We'll continue to argue this because business is in the business of making a profit, and we believe that profit should be shared by people who make them the profit."

When business and labor interests are pitted against each other, politicians often are split down the middle. That's where the unions' lobbying power comes into play.

AFSCME is one of the largest, most politically involved unions in the country, representing more than 1 million public employees, including more than 100,000 workers and retirees in Illinois. Ninety percent of the union's political campaign contributions went to Democrats between 1993 and 2006, according to Redfield's campaign contribution records called the Sunshine Database.

But AFSCME, the traditional union for state employees for more than three decades, is in a turf war of sorts with rising political power SEIU.

Keith Kelleher, head organizer for SEIU Local 880, says the local exemplifies the grass-roots movement to represent public employees. It started with 200 organized workers in 1983 and now represents more than 72,000 members in Illinois and some in Indiana.

"The autoworkers' jobs, the steelworkers' jobs, all those jobs are gone. We need to make the new jobs, the service-sector jobs, to be the new, middle-class jobs," Kelleher says.

Better-quality services require more money for training, education and increased wages and benefits, which the union urges through mailings, phone calls and one-on-one meetings with politicians. They also donate to political campaigns.

Records show SEIU is one of Blagojevich's largest campaign donors, giving \$1.8 million in his political career.

"SEIU is the new kid," Redfield says. "They've gone up tremendously. And they're an in-betweenner."

By that, he means SEIU is not a union solely for public or private employees. It represents health care workers in hospitals, nursing homes and home care, as well as janitors and security officers. Some are considered public employees because they work for state-funded programs to provide home care for seniors and people with disabilities.

Their visibility increases with their political power.

Johnson of SEIU joined hundreds of health care workers dressed in purple T-shirts last year when they repeatedly stormed the state Capitol to increase hourly wages for home health workers. They pushed for a \$64.2 million deal that would bring them even with minimum wage and was designed to help their employers provide health benefits.

"Health care is our priority because we have no health care," Johnson says. "That's a very scary place to be. With the work I do, taking care of my son, if I get sick, then I have to go to a county hospital because I don't have health care."

The measure will be enacted July 1.

Kelleher says the higher wages and potential health benefits for home health workers is a "sign of things to come," but the benefits granted by the state also are subject to stiff negotiations.

In late December, Johnson again sat at the negotiating table across from officials of the state's personnel and procurement agency, Central Management Services. She says the administration's response repeatedly is, "We have

no money." She fights back. "Until they can give us a satisfactory answer, we still negotiate."

Spivack, AFSCME Council 31's regional director, says he would rather not deal with health care benefits of public employees at the state level at all. Instead, he says such negotiations would be better handled at the federal level.

"It's a distraction. It gets in the way, and it obfuscates the issues in front of us that we'd like to deal with," including wages and staffing levels. "If every citizen has health care as a basic right, which they do virtually everywhere else in the world, then when we bargain for employees, we wouldn't be spending our time talking about how much somebody has to pay or not pay for health care."

But the state is under pressure to model benefits after those offered in the private sector, one proposed way to better balance a massive \$53 billion state budget.

According to the state comptroller's records, Illinois paid nearly \$3.9 billion in payroll, or "personal services," in fiscal year 2007. That doesn't include higher education or retirement or Social Security benefits for more than 72,300 employees. But the cost of payroll is \$1 billion less than during the previous administration of Gov. George Ryan, who had about 14,000 more employees.

Despite the Blagojevich Administration's smaller head count, group health insurance costs drastically increased to \$1.3 billion in fiscal year 2007, compared with \$876 million in fiscal year '02.

Johnson resolves to stay patient when her quest for health benefits is denied because of budget constraints. While workers earn a higher minimum wage today than when she started, they'll still fight for health care because it's not written that those same workers won't get sick, she says.

"I love this movement because it is helping people. We are not just out here showing these purple shirts. We are out here for a reason. We have a mission," she says. "Purple shirts do mean a lot. When they see us coming, they know we're about business." □

Smoke-free

Communities that have enacted smoking bans
find that bar and restaurant revenue isn't adversely affected

by Chris Wetterich

Sue Shaw, the owner of the Cottage Inn, a small tavern in a spot of unincorporated Sangamon County surrounded by Springfield, has been sharing a bleak message with her fellow bar owners across Illinois about the statewide indoor smoking ban, which went into effect January 1.

Shaw tells them her revenue has been down by a third since local bans went into effect for Springfield and Sangamon County on September 17, 2006. Many of her longtime customers are staying home. And she is not getting new patrons to make up for the ones she lost.

"I have not had one new non-smoking customer in the bar," Shaw says. "I'll be lucky if I own it in three years. People are actually turning their garages into bars. That's where people are going."

Shaw's story echoes what was predicted by opponents of the statewide smoking ban, which passed the General Assembly last year with comfortable majorities in both chambers, making Illinois one of 22 states that are smoke-free.

But those communities that have had smoking bans have not seen the economic devastation of lost tax revenue that was



forecast by those ban opponents.

A review of tax revenue for six communities that enacted local indoor smoking bans shows that sales tax receipts didn't nosedive after the bans took effect.

In Springfield, tax revenue from bars and restaurants increased 8.3 percent in the fourth quarter of 2006, compared with the same period in 2005. Revenue increased by 7 percent, 3.2 percent and 6.6 percent in the first, second and third

quarters of 2007.

In Bloomington, where the ban went into effect January 1, 2007, tax revenue from bars and restaurants increased by 8.4 percent in the first quarter of 2007.

Revenue increased by 3.2 percent in the second and 6.4 percent in the third quarter. In neighboring Normal, where the ban went into effect January 1, 2007, tax revenue from bars and restaurants grew robustly — 11 percent in the first quarter, 10.2 percent in the second and 15.8 percent in the third.

In Oak Park, where the ban went into effect July 1, 2006, tax revenue increased by 1.2 percent in the third quarter and dipped 2.1 percent in the fourth. By the third quarter of 2007, revenue had increased 4.7 percent.

In Park Ridge and Wheaton, tax revenue from bars and restaurants fell slightly following the ban, then rebounded. In Park Ridge, where the ban went into effect September 3, 2006, revenue decreased by 0.5 percent in the final quarter of 2006 and 0.7 percent in the first quarter of 2007. It increased by 4.8 percent in the second quarter of 2007 and by 3.7 percent in the third.

In Wheaton, where the ban went into

Effect of smoking ban on revenue for select cities

Bloomington

*Smoking ban began January 1, 2007

Quarter	Dollars	Percent change
1st 2005	348,170.88	1.09
2nd	383,481.87	9.58
3rd	377,726.98	5.73
4th	384,277.40	5.73
Total for 2005	1,493,657.13	5.55

1st 2006	371,654.38	6.74
2nd	409,360.03	6.75
3rd	394,406.89	4.42
4th	427,641.31	11.28
Total for 2006	1,603,062.61	7.32

1st 2007*	402,792.53	8.38
2nd	422,319.67	3.17
3rd	419,740.38	6.42
4th	NA	

Normal

*Smoking ban began January 1, 2007

Quarter	Dollars	Percent change
1st 2005	145,843.12	-1.43
2nd	141,979.94	-0.61
3rd	145,599.59	-0.61
4th	167,908.49	9.70
Total for 2005	601,331.14	1.86

1st 2006	151,645.12	3.98
2nd	155,537.94	9.55
3rd	156,419.07	7.43
4th	160,609.26	-4.35
Total for 2006	624,211.39	3.80

1st 2007*	168,436.09	11.07
2nd	171,443.07	10.23
3rd	181,122.82	15.79
4th	NA	

Oak Park

*Smoking ban began July 1, 2006

Quarter	Dollars	Percent change
1st 2005	135,433.81	4.41
2nd	150,068.09	2.50
3rd	142,721.60	6.71
4th	137,920.52	5.60
Total for 2005	566,144.02	4.75

1st 2006	135,705.25	0.20
2nd	155,630.93	3.71
3rd*	144,449.55	1.21
4th	134,999.51	-2.12
Total for 2006	570,785.24	0.82

1st 2007	139,192.03	2.57
2nd	164,479.64	5.69
3rd	151,194.42	4.67
4th	NA	

effect January 1, 2007, revenue dipped by 3.7 percent in the first quarter and 1.2 percent in the second, but rose by 2.5 percent in the third quarter.

Underlying that data is the fact that hospitality industry businesses are volatile and prone to failure. Tax revenue in Normal and Park Ridge dropped three quarters (Wheaton four) in 2005 when there was no smoking ban to be concerned about.

None of the data surprises Kathy Drea, the public policy director for the American Lung Association of Illinois and Greater Chicago, a group that helped lead the push for the statewide smoking ban. During the debate over local and state smoking bans, Drea often repeated the mantra that no independent studies have ever shown long-term, harmful economic effects to the bar and restaurant industries as a result of smoking bans.

"All the doom and gloom predictions do not happen," Drea says. "What we see is people adapt very quickly to

smoke-free laws. There's a little bit of turmoil at first, but after a couple of months, people are happy with it, and they adapt very quickly to the point they expect everywhere they go to be smoke-free. Some of the biggest opponents say it all worked out."

Some bar owners and management, while still chafing at what they view as an unwarranted government trampling of their rights as business owners, concede that the smoking ban has not brought the financial devastation they expected. Those that offer more than a place to down a beer and light a cigarette seem to report the least harm from the smoking ban.

"It hurt us for a little bit," says Brooke Zeitler, a bartender at Maguire's Bar and Grill in downtown Bloomington. "Mainly, our regulars went outside to smoke."

But because Maguire's has a kitchen, lunch business seemed to increase. "We're really busy during the day. We

get a good lunch crowd. It might have helped us."

When bars do suffer after smoking bans, those hardest hit seem to be mom-and-pop establishments such as the Cottage Inn, says Daniel Clausner, the new executive director of the Illinois Licensed Beverage Association.

"Some establishments will experience a large decline in business, while others will experience a small business decrease," he says. "Signature items and events — for example, the best cheeseburger or a great dart league — will continue to foster success in those businesses."

"Many of the ILBA members will attempt to accommodate patrons that smoke by constructing or modifying patios and beer gardens. Unfortunately, many places do not have a signature item nor the space to add or build a smoking area. It is these establishments that business will experience the greatest decline."



Park Ridge

*Smoking ban began September 3, 2006

Quarter	Dollars	Percent change
1st 2005	63,771.78	-3.92
2nd	74,144.27	7.51
3rd	68,282.37	-9.64
4th	69,996.39	-0.25
Total for 2005	276,194.81	-1.74

1st 2006	65,919.71	3.37
2nd	73,099.12	-1.41
3rd *	70,034.60	2.57
4th	69,682.84	-0.45
Total for 2006	278,736.27	0.92

1st 2007	65,441.52	-0.73
2nd	76,576.45	4.76
3rd	72,629.58	3.71
4th	NA	

Springfield

*Smoking ban began September 17, 2006

Quarter	Dollars	Percent change
1st 2005	575,986.10	2.44
2nd	592,754.72	4.00
3rd	599,317.74	6.88
4th	593,056.00	3.59
Total for 2005	2,361,114.56	4.22

1st 2006	583,928.29	1.38
2nd	624,339.31	5.33
3rd*	624,678.92	4.23
4th	642,201.80	8.29
Total for 2006	2,475,148.32	4.83

1st 2007	624,943.79	7.02
2nd	644,416.15	3.22
3rd	665,651.73	6.56
4th	NA	

Wheaton

*Smoking ban began January 1, 2007

Quarter	Dollars	Percent change
1st 2005	144,785.40	-5.96
2nd	172,324.96	-4.47
3rd	159,666.49	-2.39
4th	157,368.98	-3.70
Total for 2005	634,145.83	-4.11

1st 2006	155,220.38	7.21
2nd	177,167.47	2.81
3rd	175,242.77	9.76
4th	169,025.18	7.41
Total for 2006	676,655.80	6.70

1st 2007*	149,512.02	-3.68
2nd	175,000.66	-1.22
3rd	179,635.69	2.51
4th	NA	

Percent change measures quarter to quarter, year to previous year.
NA means data was not available.

Now that the ban is law, Clausner has no interest in debating the merits of it, as his predecessor Steve Riedl did. Riedl vigorously contested the notion that bars would not suffer economically because of the ban and even that secondhand smoke represented a major health hazard for which there is no safe level of exposure, as a 2006 U.S. surgeon general's report contends.

"ILBA members will abide by this law," Clausner says. Some members even had ashtray giveaway events.

Jim Stone, the director of the Sangamon County Department of Public Health, which is charged with enforcing bans in Springfield and unincorporated Sangamon County, says his office issued 31 citations in 2006 and 50 in 2007, while collecting \$1,700 in fines.

The most likely violators have been businesses where the same patrons are there day after day.

"That's why we've done a few stings," Stone says. "I've personally been

involved in some stings after 10:30 at night. That may have to continue. There's a couple we've had a repeat issue with."

Most fines and tickets go to businesses, not individuals, Stone says.

"We thought that might be the case. Unless you come across somebody smoking a cigarette, it's hard to go out and be there before they snuff it out.

"I do think you're going to see a lot more public awareness of the issue now that in every place it's going to be banned. We could see a spike in complaints."

Drea says she expects the statewide ban to be enforced and complied with because people complain where there is smoking.

"There are a lot of people who are very much looking forward to this law and will be expecting it to be enforced."

Of major concern still to bar owners across the state is what kind of rules related to the ban will be approved by

the General Assembly's Joint Committee on Administrative Rules. In particular, they want to know how the rules will affect beer gardens and whether they will have a chance to contest fines imposed on them as a result of the ban.

JCAR, a panel of 12 lawmakers from both parties and chambers of the General Assembly that reviews and approves rules made by state agencies, rejected the proposed rules for the ban on January 9, but the law went into effect as written on New Year's Day.

JCAR had the proposed rules in hand before the ban went into effect but did not approve them because there were questions about how best to enforce the law, says Rep. John Fritchey, a Chicago Democrat.

"There's stuff statutorily that should be in there that's not," Fritchey says. "There's a strong concern that the implementation of the act follows the intent of the legislation and does no more or no less."

The casinos believe they will lose money because gamblers will skip Illinois' boats in favor of border state boats that allow smoking, and that those smokers who stay will have to take smoke breaks, taking them away from slot machines and table games, Swoik says.



Issues to be settled include whether the Illinois State Police should enforce the ban, how people can contest tickets they receive, whether facilities where smoking research is conducted should be exempt and how to interpret the part of the law banning smoking 15 feet in front of the entrance of a place where smoking is banned.

For example, does a business get cited if a person is smoking under its canopy while waiting to cross the street in a snowstorm?

"There's a gray zone. I don't believe anybody intended for a private business to be liable for the actions of a private citizen who's not a patron," says Fritchey, who voted for the ban. "One would always hope common sense rules the day. But history has shown we need direction for those who show less common sense than others."

There is also no way to contest a fine under the statewide law, a concern brought up by McLean County health director Bob Keller at a recent meeting of local officials with the state Department of Public Health. Many local jurisdictions with bans have a hearing process under their local smoking ordinances.

"If somebody did contest a fine and go before a judge ... does the statute become vulnerable to a constitutional test?" Keller asks, adding that nobody at the state has come up with an answer.

The efficient thing to do would be to send a "trailer bill" through the legislature to clean up the language, Fritchey says, but there is a concern that "when you open the door a bit, you have a number of folks that would try to kick it all the way open."

Another potential problem is that there does not appear to be an exemption for tobacco research being done at Northwestern University in Chicago, says Sen. Maggie Crotty, an Oak Forest Democrat. "I think a lot of these things can be worked out," Crotty says.

Apart from such details needing to be ironed out, the only major change that has been proposed for the ban is an exemption for Illinois' riverboat casinos, which compete against boats in Iowa and Indiana that allow smoking.

The Illinois Casino Gaming Association, headed by Tom Swoik, plans to push for a five-year exemption from the ban or an exemption for the boats until the neighboring states enact smoking bans that apply to their casinos.

The casinos believe they will lose money because gamblers will skip Illinois' boats in favor of border state boats that allow smoking, and that those smokers who stay will have to take smoke breaks, taking them away from slot machines and table games, Swoik says.

"It's going to be a continuous effort," he says. "If you look at Rock Island, people are within three to five minutes of a casino without a smoking ban."

The exemption would only apply to the gaming floor.

The industry has surveyed its boats and found that 60 to 70 percent of the customers smoke. But Drea says the lung association did its own survey, counting how many people were smoking every 15 minutes, and found only 6 percent to 7 percent were smoking but that the smoke flooded the casino floor. "It's not a lot of people who are smoking."

"They did [the survey] at a strange time when there weren't a lot of people," Swoik counters. "Everybody that smokes isn't smoking continuously. We're not saying their numbers aren't true. But they can't say our numbers aren't true. It has to do with how many people are in the casino at the time you measure."

Regardless of the number of smoking gamblers, Drea says the issue should not be about casino revenue but about the health of employees who are standing in the smoke for an entire shift.

Swoik says such legislation could be attached to the major gambling expansion legislation being considered or in a separate bill. But Drea says she believes enough legislators who support the ban will withhold their votes for any gaming expansion that relaxes the ban. □

Chris Wetterich covers Springfield city government and politics for The State Journal-Register.

Moment of frivolity?

Is government a suitable entity to compel contemplation?

Essay by James Krohe Jr.

Photograph courtesy of the State Journal-Register



Students at Springfield High School participate in a state-mandated moment of silence.

In 1870, Illinois' wise heads gathered to draw up a new and better state Constitution. One of the ways it might be better, argued one delegate, was for Bible-reading to be required in the public's schools. He explained that the Bible — by which he meant the Christian Bible, that is the Christian Protestant Bible, and of course the King James version of the Christian Protestant Bible — was the only book that explained why the world was as it is. Such was its wisdom that it even explained that part of the world that since 1818 had called itself Illinois.

Judge William H. Snyder of St. Clair County argued against the idea. Snyder had some personal experience with the vigor with which Illinoisans could impose their religious beliefs on others — when he was a boy, an elderly neighbor recalled for him the execution in the old French settlement of

some locals for witchery. Snyder tackled what would come to be called the diversity issue head on. "Has it ever struck our protestant fellow-citizens," the grownup Snyder told his fellow delegates, "what the consequences would be, if their position and that of our Catholic countrymen were reversed, and if the Douay [version of the Bible used by Catholics] instead of the King James version of the Bible, were sought to be enforced by law upon the public schools of this State [and] were about to be impressed forever upon the young and tender minds of their darling children?"

Substitute "Hindu" or "Buddhist" or "Zoroastrian" or "Jewish" or "wiccan" or "atheist" for "Catholic" and you have the problem with the Moment phrased nicely. The Moment is that "brief period of silence" that since October has been required in Illinois public schools at the opening of

every school day. Its purpose (quoting from the statute) is to give the assembled students an opportunity for "silent prayer or for silent reflection on the anticipated activities of the day." By adding the law to its books, Illinois joined the 10 other states that have similar laws, which by some lights put Illinois in the bottom 20 percent of the national class.

The bill passed with veto-proof majorities in both houses, which suggests something of the ardor of the school prayer constituency in Illinois, if not necessarily its size. However, comments posted by the state's newspapers suggest that a sizable faction of Illinoisans remains convinced that a mandatory Moment is hooey. While starting their days with a ritual is unlikely to do any students any harm — most kids will use it to reflect on nothing more profound than where they mislaid their math book — a few citizens thought it might be nice for

*Critics are obliged
to assume that the law
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school prayer because
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once if lawmakers limited their instructions to only what does students some good.

Which is what the many backers of the law believe it will do. Moments of silence in schools are widely accepted as surrogates for formal group prayer, and with reason. The essence of prayer is private communion with God (which of course Illinois students are as free to seek at school as anywhere else). Making prayer public and congregate turns it into something different, however, something more akin to a worship service — thus the liberal objections to it.

Rep. Will Davis, a Homewood Democrat and a sponsor of the new law, denied to the press that his legislation is a Trojan horse in which pro-prayer supporters are trying to sneak school prayer past the Constitution's Supreme Court watchdogs. The denial might have carried more weight had he not named his bill the Silent Reflection and Student Prayer Act and if (as some state lawmakers reported) the only people who lobbied them for it were not preachers, priests and rabbis. By pretending that it is not about prayer, the sponsors render their bill and themselves dishonest — a fault we are used to in our lawmakers but ought not to accept in our laws.

Critics are obliged to assume that the law is meant as a prelude to state-sanctioned school prayer because otherwise the law has no point at all. Maywood's Democratic state Sen. Kimberly Lightford justified it by her hope that the Moment could provide children with a chance to wrestle with difficult personal issues such as abuse or bullying; that view was echoed by Davis, who suggested the Moment might prevent Columbine-type school shootings.

Alas, such outbursts are anything but

impulsive. Such bloodshed almost always follows upon, and is to some extent a product of, an excess of reflection — what we used to call brooding. Legislation to compel schools to stop kids abusing or bullying each other in ways that excite revenge might have addressed that very real problem more usefully than a Moment, but since we are leaving most other aspects of growing up to the kids, why not this?

Look at the legislature itself. There is evidence that taking a moment for reflection works only if the reflector is capable of it. The General Assembly already starts its days with a prayer, but members plainly didn't pray for wisdom, or I'm sure they couldn't have voted this shoddy bill into law. The statute mandates the Moment but provides no penalties for noncompliance. Our apprentice Illinoisans might well ask themselves why, if the Moment is so important that the State of Illinois demands that schools do it, the state imposes no penalty on schools if they don't, and puzzle over whether this law is nonsense or the idea of Laws is nonsense. Sadly, they are likely to decide that both are true.

Nor does the statute specify how brief a brief period can be and still satisfy its requirements. The State Board of Education has failed to provide school administrators — perhaps one should say “avoided providing” — specific guidelines as to length. Evanston Township High School District 202's superintendent told local reporters that in the absence of state advice on the matter, the district turned to its lawyers. They calculated that the balance point between pleasing the state and cheating the children is 10 seconds. Many systems — Springfield Unit School District 186 is one — opted for 15 to 20. Very few districts require a “moment” as long as a minute.

Even one minute is too long in the opinion of critics who attacked it on the grounds that the State of Illinois had no business micromanaging its public classrooms when its legislators can't even get their own homework done on time. Moments multiplied by hundreds over the school year add up to real time — as many as 15 hours of teaching time in a year in which kids get too little teaching already.

The General Assembly, like a kid who assumes Mom will pick up his dirty socks, leaves such muddle to the courts to sort out. Gov. Rod Blagojevich vetoed the bill back

in August, on grounds that it likely violates the constitutional prohibition on state-supported religion. The trouble is that legislators are not great respecters of constitutions, even their own. According to Article X of the Illinois Constitution, “The State has the primary responsibility for financing the system of public education,” a responsibility it has never discharged. Rep. Bill Black, a Danville Republican, suggested to his fellow members that kids could use the Moment to pray that the General Assembly finally sends them the money they need.

The Moment might succumb to judicial challenge on account of its vagueness, although similarly worded statutes in other states have passed constitutional muster on separation grounds. It might also be rendered moot by further action of the General Assembly. A bill to that effect has already been introduced that would make the Moment optional and remove from the law the words “student prayer,” which is the bone most likely to stick in the throats of justices reviewing the law for constitutionality.

Ultimately the responsibility for clarifying what role, if any, even quasi-religious ritual should play in public schools rests with citizens. The equation worked out long ago by the likes of Judge Snyder somehow needs to be relearned by every generation: In a nation in which most religions insist that theirs is the Only Way, any expression of religious faith, however innocuous it seems to the believer, will intrude upon the sensibilities of those many who do not share it. The only way to legislate social peace in such a place — and Illinois and the United States are such places and will remain so in spite of the efforts of evangelicals of all faiths to change it — is to not legislate for religion at all.

As a means to elevate religion, the Moment seems not very intelligently designed. Turning prayerful reflection into a meaningless ritual demeans religion rather than elevates it. The silence law will not accustom schoolchildren to prayer who are not already accustomed to it. It may however accustom them to state compulsion. The government that compels the dishonest today can compel the dangerous tomorrow. In which case we'd all better pray. □

James Krohe Jr. is a frequent commentator on public policy for Illinois Issues.

Chance for change

Illinoisans may opt for a convention to revamp the Constitution.
If they do, articles pertaining to revenue are likely targets for review

by Aaron Chambers

Couched between articles on finance and education is the Illinois Constitution's article on revenue. It's here that the General Assembly derives the power to raise money through taxes and other means. It's here that delegates to a constitutional convention, should voters approve one in the November election, would focus much of their attention.

Some see the opportunity to expand taxation, making the state's approach more "progressive." Others see the chance to compel the state to more aggressively pay down its debt, such as unfunded liability of public pension systems, by modifying the article's definition of debt.

Still others, including a growing consensus of the business community and labor unions, would rather not go there. They altogether oppose a constitutional convention.

Jeff Mays, president of the Illinois Business Roundtable, calls a constitutional convention "a fairly drastic mechanism for change." He says a convention should be a "surgical tool" — an exercise in precisely targeted and deliberate change — but that it may in fact give way to brute political force.

"It could be viewed as a blunt instrument to deal with what are perceived to be constitutional infirmities but usually aren't," he says. "Most of the angst about Illinois state government is not constitutionally driven right now."

Certainly, the acrimony that underscored work at the Capitol over the last year had little to do with any breakdown

of the Illinois Constitution. Rather, it had everything to do with brass-knuckle politics among Gov. Rod Blagojevich, Senate President Emil Jones Jr. and House Speaker Michael Madigan, all Chicago Democrats.

That is not to say there aren't those who perceive significant flaws in the Constitution, particularly in the revenue article. There are. But a constitutional convention opens the revenue article — and, for that matter, every article — to a possible wholesale restructuring. That's a prospect not to be entered into lightly. Once a convention begins, it may not be clear until it's over just how the provisions of the revenue article might change.

Consider the personal income tax, for instance. The revenue article delineates the basic structure of the income tax, saying it must be imposed at a "nongraduated rate." Ralph Martire, executive director of the Center for Tax and Budget Accountability, would like for the Constitution to allow a "progressive" — or graduated — rate.

He says incomes for most people are either stagnant or declining, when adjusted for inflation, and that it makes more sense to impose a higher tax rate on folks making more money. A non-graduated rate, he says, forces a greater tax burden on those earning less while precluding the state from capturing additional revenue from those earning more.

"A flat tax treats people with declining and stagnating incomes the same as

people with growing incomes," he says. "That's patently unfair on its face, and it doesn't allow you to respond to the actual growth of income in the economy. You just miss it."

Former Illinois Comptroller Dawn Clark Netsch, who served as vice chair of the 1970 Constitutional Convention's Revenue and Finance Committee, notes that there are ways to manipulate an individual's income tax burden without contradicting the Constitution's mandate of a nongraduated rate.

As a former state lawmaker, Netsch unsuccessfully pushed the state to adopt what she calls an inversely graduated personal exemption — under which, the lower the person's income, the higher his or her exemption. She cautions that another convention won't necessarily lead to the end of the nongraduated income tax.

"They could make it more flexible or more restrictive, or more liberal or more conservative," she says. "You don't know how it would come out for sure."

The revenue article also links the state's corporate income tax rate to the personal income tax rate, saying the rate for corporations "shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5." Therefore, the state may hike the corporate income tax rate of 4.8 percent only by also raising the personal income tax rate of 3 percent — or by changing this provision of the Constitution.

Business groups clearly are concerned about that prospect. The Illinois

Constitution of the State of Illinois

ARTICLE IX

REVENUE

SECTION 1. STATE REVENUE POWER

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

SECTION 2. NON-PROPERTY TAXES — CLASSIFICATIONS, EXEMPTIONS, DEDUCTIONS, ALLOWANCES AND CREDITS

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

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SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the

Chamber of Commerce, in a memo describing to members the ramifications of a possible constitutional convention, warns, "A significant risk for corporate taxpayers would be the elimination of the existing protection from unilateral and indiscriminate rate increases by a provision in the 1970 Constitution that assures the flat tax rates on corporations and individuals may not exceed a ratio of 8:5."

The Illinois Chamber, like the Illinois Business Roundtable, opposes a convention. The chamber notes in its memo that voters in 1988 soundly defeated the last call for a constitutional convention. Still, the group fears political fallout from the superheated 2007 session "carries the possibility of re-energizing the support necessary to approve a new constitutional convention."

In its own working paper on a possible convention, the Business Roundtable adds, "As disturbing as the current political environment in Illinois is, even more unsettling is the notion of putting all constitutional issues in play — all at the same time — in this volatile environment."

The Illinois AFL-CIO also opposes the call for a constitutional convention. Spokeswoman Beth Spencer says only that the group believes the current Constitution is right for "working families."

A host of other revenue matters — all with profound consequences for individual taxpayers, businesses and the state — could also be open to consideration during a constitutional convention. These include the breadth of the state's sales tax, a restructuring of the personal property replacement tax, property tax classification in Cook County and the definition of state debt.

The Illinois Constitution does not define the state sales tax, instead leaving this up to lawmakers. Martire would like to change that by writing the sales tax — in broad fashion, no less — directly into the revenue article.

Martire believes the sales tax ought to be expanded to cover the sale of certain services as well as goods. Though the state's economy is increasingly service-oriented, the base sales tax of 6.25 percent does not apply to services such as auto repair and haircuts.

Martire argues a constitutional convention is the time to rectify this discrepancy.

"You may as well put it in the Constitution because I don't see legislators acting on it," he says.

The state phased in the personal property replacement tax in the late 1970s to replace tax revenue that local governments and school districts surrendered when they lost the power to impose personal property taxes on businesses. The state collects the tax, which is imposed on businesses, and remits the money to local governments.

But business groups complain that the tax generates far more revenue for local governments than the previous tax, and that revenue is not distributed fairly because local government entities that didn't exist in 1976 or 1977 are not eligible for a share of the money.

As for Cook County, the state's largest county has under the Constitution an exception from the requirement of uniformity in real estate assessments. Cook is the only county that classifies property for purposes of taxation and, according to business groups, this means higher property tax bills for commercial and industrial property tax owners, as compared with their counterparts in other counties. A convention likely would include discussion of this system's efficacy.

As for the Constitution's provisions on state debt and a balanced budget, some would like to see terms clarified in a way that compels the state to keep spending growth under control while more aggressively — and consistently — paying down its debt.

The Constitution's finance article precludes appropriations over a fiscal year from exceeding "funds estimated by the General Assembly to be available during that year." Separately, the revenue article defines state debt broadly as "bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or

A host of other revenue matters — all with profound consequences for individual taxpayers, businesses and the state — could also be open to consideration during a constitutional convention.

school districts."

But these provisions do not preclude the state from rolling as much as \$2 billion in bills — much of it related to Medicaid — from one fiscal year to the next. Lawmakers simply don't appropriate funds for those bills, and under law, the state passes them to the next fiscal year. The provisions also don't require lawmakers to deal directly with massive unfunded liability of public pension systems — a debt that in recent years Blagojevich and lawmakers put off by modifying the payment schedule set forth in law.

Conservatives see a constitutional convention as a chance to rein in both practices. Unfunded pension liability may be a "soft" debt, unlike hard debt like general obligation bonds. But, at least as a practical matter, it's a debt nonetheless.

"How should it deal with this other unfunded debt?" asks Tom Johnson, president of the Taxpayers' Federation of Illinois, referring to the revenue article. "Should the Constitution say something? Certainly it's silent now."

Certainly, there is great opportunity for change in the revenue article. From taxes to debt, delegates to a constitutional convention could radically overhaul state finances. But first, Illinois must decide whether to make any changes at all. □

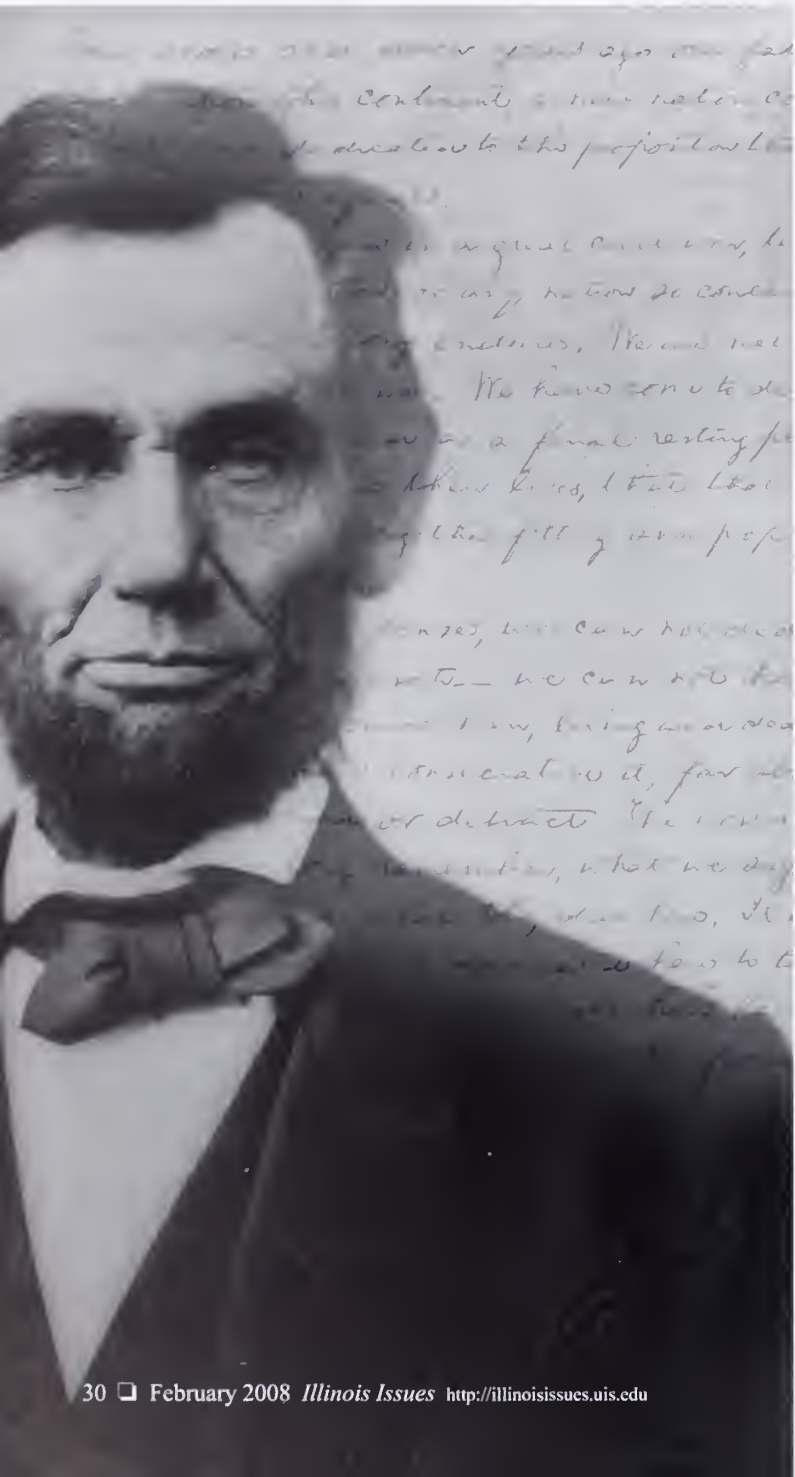
Aaron Chambers is Statehouse bureau chief for the Rockford Register Star.

Just rhetoric?

Lincoln and Plato united justice and rhetoric in a way that would challenge modern spin doctors

Essay by Joseph R. Forniери

Photograph courtesy of the Library of Congress



Placed in the proper hands, the pen may be wielded as a “verbal sword.” Such was the case with Abraham Lincoln, whose rhetorical command of the English language inspired victory for the Union cause. Lincoln’s words continue to define our national self-consciousness as a regime “dedicated to the proposition that all men are created equal.” The success of any wartime leader depends upon his or her ability to communicate a vision to the people that will induce them to sacrifice for a larger good.

Douglas Wilson testifies to this truth with fitting eloquence through his close textual analysis of Lincoln’s key wartime speeches and writings in *Lincoln’s Sword: The Presidency and the Power of Words*, for which he won Gettysburg College’s 2007 Lincoln Prize. Wilson, who is co-director of the Lincoln Studies Center at Knox College in Galesburg, masterfully combines an engaging narrative with meticulous scholarship to show how our 16th president deftly wielded the verbal sword to guide our nation through its “fiery trial.” Approaching the study of Lincoln from the field of political philosophy, I want to explore how Wilson’s analysis raises timeless questions about the power of political rhetoric and the ends to which it may be directed.

The use and abuse of rhetoric for unscrupulous political ends was poignantly dramatized by Plato in his dialogue the *Gorgias*, written in the fourth century B.C. at the twilight of the Athenian Empire. The *Gorgias*, titled after a sophist of that name, highlights the clash between sophistry and philosophy as rival ways of living and communicating.

The sophists, Gorgias included, were itinerant teachers who specialized in the art of public persuasion — a crucial ability in democratic Athens for budding statesmen who wanted to advance their political ambitions. In today’s jargon, we might call these verbal technicians “spin doctors” and “hired guns.” Plato depicts the sophists as clever and sometimes formidable opponents who placed power and interest above truth and goodness. Most taught that justice was relative to the will of the stronger and that truth was relative to the ability to persuade others of your opinion. The sophists sold their services to the highest bidder while disclaiming any responsibility for what they taught or for how it was used.

Perhaps the most famous example of this reckless disregard

for truth was the sophist Hippias's claim that he could persuade a crowd to believe whatever he wanted them to without knowing anything about the subject matter. Such "talents" were highly in demand in ancient Greece; they remain so today in the United States.

Today's spin is ubiquitous. New technology and media have enabled the commercial model of advertising to infiltrate every sphere of our life, from the mall, to our homes, to the public square. Political discourse is debased to sound bites that place style over substance. Slow, deliberate, sustained reflection is a casualty in a high-speed world that values the simple over the complex, the instantaneous over the delayed and the easy over the difficult. The rhetorical bombardment is so thick that it is difficult to discern fact from fiction.

Plato lamented the inability of his fellow citizens to distinguish between mere rhetoric and reality. The corruption of the Athenian public mind was tragically revealed through the execution of his teacher Socrates, whom Plato considered the wisest man in all of Greece. The injustice of Socrates' trial on charges of corrupting the youth and impiety spurred Plato to take up his pen in defense of the philosophical life as embodied by his master. As a tribute to this way of life, and in an effort to preserve it through literature, Plato makes Socrates the protagonist in many of his dialogues.

Significantly, the action in the dialogue of the *Gorgias* takes place shortly before Socrates' trial. After learning that Gorgias is in Athens, Socrates asks a friend to arrange a meeting with the acclaimed sophist. This dramatic detail is noteworthy: Socrates the philosopher seeks out Gorgias the orator. Why? Perhaps to acquire some rhetorical skills for his forthcoming trial, one in which he would have to address the entire Athenian assembly.

Unlike the sophists, Socrates admits that he is not very good at addressing large audiences. Rather, he is a practitioner of the dialectic — the question and answer method involving a sustained search for the truth about the nature of a thing's being: justice, virtue, piety. The dialectic, however, is ineffective in large gatherings; it can only take place within a small, intimate group of interlocutors involved in a common search who converse with one

another face to face.

If Socrates hoped to learn something from Gorgias, he was soon disappointed. Unlike the fawning Athenian youth, he was unimpressed with Gorgias' ornate and vapid speeches. After compelling the sophist to engage in the dialectic, Socrates discovers that Gorgias is more concerned about his reputation and wallet than with truth and justice. His moral indifference to the potential harm of his craft is vividly manifest in the speech and deeds of his two students, Polus and Callicles. Unlike their more reticent teacher, these students unabashedly admit that they use rhetoric to manipulate others for personal gain and that justice is relative to the will of the stronger.

Indeed, the battle in the *Gorgias* between philosophy and sophistry is at once a battle over the education of the Athenian youth. Which way of living and communicating provides the best training for democratic citizenship — philosophy or sophistry? The battle continues in today's academy as students are falsely empowered by being taught that justice, truth and goodness are simply relative to time and place, and that words have no other meaning than what those in power say they mean.

One may conclude that Plato sees rhetoric and philosophy as incompatible. Certainly, the kind of rhetoric as practiced by Gorgias' students Polus and Callicles is incompatible with the philosophical devotion to truth and justice. However, a more careful reading of the dialogue points to a possible reconciliation between rhetoric and philosophy in the form of a philosophical rhetoric that employs persuasion to ennoble, stir and guide the public toward just ends and the true goods of the soul. In Plato's time, Athens was in dire need of a leader who could practice such rhetoric. Instead, the Athenians were beguiled by the charisma of Alcibiades, who used his rhetorical gifts to persuade them to undertake the spectacularly disastrous invasion of Sicily, a historical turning point that marked the beginning of the end of the Athenian Empire.

Contrary to the literary example of *Gorgias* and the historical example of Alcibiades, the statesmanship of Abraham Lincoln embodies the potential reconciliation of philosophy and rhetoric alluded to by Plato in the *Gorgias*. Lincoln's intellec-

tual gifts, combined with his experience as a lawyer, provided him with the rare ability to communicate complex ideas in terse, yet powerful terms.

At New Haven, Conn., on March 6, 1860, he emphasized the importance of ennobling public opinion by anchoring it upon a just moral foundation: "Whenever this question [of slavery] shall be settled, it must be settled on some philosophical basis. No policy that does not rest upon some philosophical public opinion can be permanently maintained. And hence, there are but two policies in regard to Slavery that can be at all maintained."

Lincoln's political rhetoric reached the common people through the use of homely metaphors and vivid images that were both understandable and educational. For example, in the same speech at New Haven, he explains the Republican Party's policy of distinguishing between territorial and state slavery by comparing it to how one treats a snake in the road versus a snake in the bed:

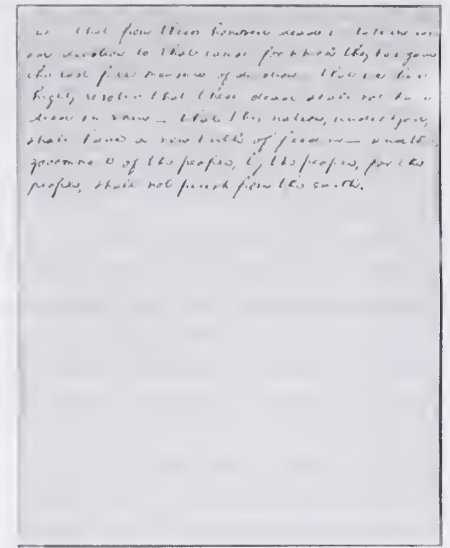
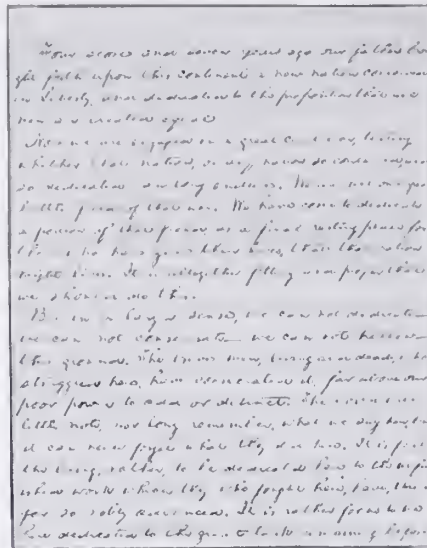
"If I saw a venomous snake crawling in the road, any man would say I might seize the nearest stick and kill it; but if I found that snake in bed with my children, that would be another question. I might hurt the children more than the snake, and it might bite them. Much more, if I found it in bed with my neighbor's children, and I had bound myself by a solemn compact not to meddle with his children under any circumstances, it would become me to let that particular mode of getting rid of the gentleman alone. But if there was a bed newly made up, to which the children were to be taken, and it was proposed to take a batch of young snakes and put them there with them, I take it no man would say there was any question how I ought to decide!"

Lincoln's rhetoric makes clear that a venomous snake is still a dangerous reptile, whether it crawls in the road or hides in the bed. He affirms the intrinsic evil of slavery while prudently counseling moderation in terms of policies dealing with the existing institution.

Lincoln's Annual Message to Congress on December 1, 1862, is a rhetorical masterpiece designed to garner public support for the unprecedented step of emancipating the slaves:

"Fellow-citizens, we cannot escape history. We of this Congress and this administration, will be remembered in

Because human beings are moved both by the head and the heart, rhetoric will remain indispensable to politics. The verbal sword, however, is double-edged: It has power to wound and soothe, to elevate and to debase.



spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We — even we here — hold the power, and bear the responsibility. In giving freedom to the slave, we assure freedom to the free — honorable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best, hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just — a way which, if followed, the world will forever applaud, and God must forever bless.”

Using biblical imagery, Lincoln places the Civil War within the broader context of human history. The eyes of the world are upon America as the standard bearer of democracy. The success or failure of the American experiment will provide hope or despair to others. The Civil War is a test — a fiery trial — that will decide the future of democracy. In turn, the future of American democracy depends upon giving freedom to the slave. Lincoln calls upon the nation to live up to its founding principles by bearing witness to equality in both speech and deed.

The Gettysburg Address of November 19, 1863, would similarly use biblical imagery to justify the sacrifice of soldiers on the battlefield. The political intent of the speech was to maintain

support for a prolonged war and for the new policy of emancipation. In proclaiming a new “birth of freedom,” Lincoln holds out the possibility of a nation redeemed from the original sin of slavery. The Gettysburg Address provides the most compelling statement of the American creed as a nation “conceived in liberty and dedicated to the proposition that all men are created equal.”

Because human beings are moved by both the head and the heart, rhetoric will remain indispensable to politics. The verbal sword, however, is double-edged: It has power to wound and soothe, to elevate and to debase. It inspires both greatness and wickedness. Rhetoric divorced from reality and justice is a recipe for disaster in politics. In point of fact, Lincoln reserved his greatest scorn for the sophists of his time who “debauched public opinion” by teaching that slavery was either a matter of moral indifference or an institution ordained by God.

The success of a democracy in times of crisis depends upon the virtue of leaders who employ a just rhetoric that will induce citizens to sacrifice for a larger common good, as well as the corresponding virtue of the public to distinguish between sophistry and statesmanship. Lincoln’s example shows that rhetoric may be a companion of both truth and justice. His rhetorical prowess was honorable because it was placed in the service of the noble ends of preserving a Union dedicated to the moral principles of the Declaration of Independence under the rule of law in the

Constitution.

Lincoln’s Address to the New Jersey Senate at Trenton, February 21, 1861, provides a telling illustration of this political rhetoric and the ends it served. Striving to complete the unfinished work of the founders, Lincoln explained, “I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made, and I shall be most happy indeed if I shall be an humble instrument in the hands of the Almighty, and of this, his almost chosen people, for perpetuating the object of that great struggle.”

While clearly defining the forthcoming struggle as one over the original idea of equality, Lincoln guards against self-righteousness by ironically referring to his fellow Americans as God’s “almost chosen people.” The qualifier introduces an important moral ambiguity. For as Lincoln well knew, it is one thing to proclaim that all men are created equal; it is quite another to live up to the claim by making the necessary sacrifice.

In training the next generation of students to wield the verbal sword, we can find no better guides than the philosopher Plato and the statesman Lincoln as respective teachers of the honorable practice of political rhetoric — a valuable lesson for our loud but inarticulate times. □

Joseph R. Fornieri is associate professor of political science at the Rochester Institute of Technology and author of *Abraham Lincoln’s Political Faith*.

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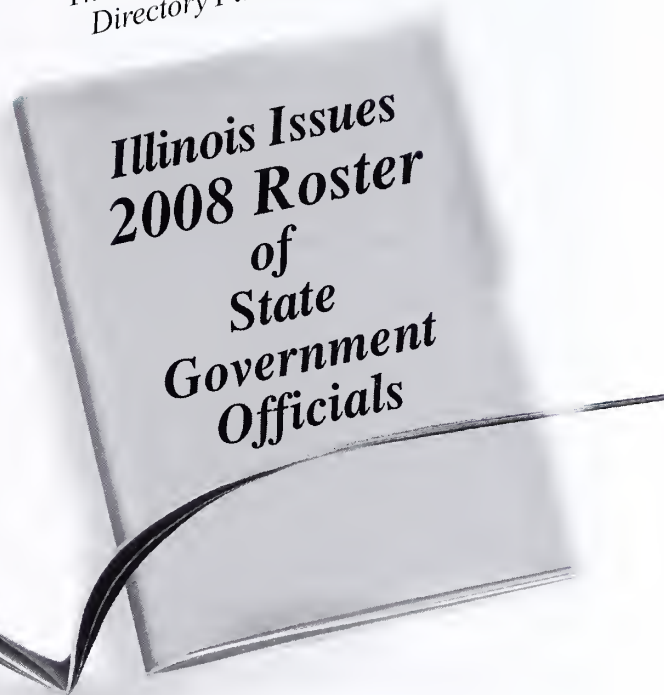
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Shifts at the top

• **Jennifer Tirey** became interim director of the Illinois Historic Preservation Agency, replacing **Robert Coomer**, who retired after 28 years with the state. Tirey will serve as agency director until Gov. Rod Blagojevich appoints a permanent one. She previously was deputy director of the Abraham Lincoln Presidential Library and Museum, which Coomer helped spearhead and open. He also helped reinstate seven-day operations at most of the state's historic sites throughout the summer tourism season.

• **Erwin McEwen** became director of the Illinois Department of Children and Family Services, pending Senate approval. McEwen has been serving as acting director since November 2006.

• **David Rudduck** joins the governor's communications team in Chicago. He previously served as a regional director of communications for the American Red Cross and was a public affairs officer at the World Trade Center, as well as a responder to Hurricane Katrina. He's also served as a crisis communication adviser to Fortune 500 companies and public relations firms. He earned a bachelor's in political science from the University of North Texas and has worked toward his master's degree in communication at Northwestern University. He replaces **Gerardo Cardenas**, who resigned as the governor's Chicago press secretary to become the associate director of communications for Illinois AARP.

Duty calls

In a rare event since World War II, a state legislator is serving overseas in combat. State Rep. **Jim Watson**, a Jacksonville Republican, left for a 270-day tour in Iraq last month.

A staff sergeant with the U.S. Marine Corps Reserves, he said in January that he expects to interact with Iraqi civilians. He served in the U.S. Marine Corps and Marine Corps Reserves from 1985 to 1991, including one year in Kuwait during Operation Desert Storm.

This time, he's serving with the Marines' 3rd Civil Affairs Group based at Camp Pendleton, California. They help build the local governance and infrastructure, which means they have to recognize and work within the differences of the Iraqi culture. "You have a system where you have a tribal culture, where shame and honor are very important. They have different ways, different rules, different customs to deal with that," he said before deploying.

The goal is to create a stable, democratic system that's unique and specific to Iraq. "I hope I am successful in helping to build a level of stability in their governance — because that's how we win, that's how we get out of there, that's what will keep my kids from having to go back, or anybody else's kids."

Watson, who has served in the Illinois House since 2001, said he re-enlisted last May out of a sense of duty to his fellow soldiers. He cited former President John F. Kennedy: One man can make a difference, and every man should try. "This is a case where I know I've got some skills that can help in that conflict. We win over there by helping them establish a stable infrastructure, stable government, stable rule of law. And you can't let the same people carry the water over and over again. So, I step up."

He earns special respect and support from lawmakers.

"I am tremendously proud to serve in the General Assembly with someone who feels such an urge of patriotism," says Rep. Roger Eddy, a Hutsonville Republican. "It's humbling to see that kind of patriotism and real commitment to this country. I'm in awe."

Tammy Duckworth, director of the Illinois Department of Veterans' Affairs, says Watson's answer to the call of duty could benefit all veterans. "I believe that his tour to Iraq will give him insight into our veterans' needs when they return home from service. We wish him and his family well and look forward to his return."

Watson plans to return to the legislature to carry out his two-year term. While he is deployed, fellow lawmakers will share Watson's constituent services.



State Rep. Jim Watson

Photograph by Bethany Jaeger

Inner circle

A federal investigation stung another member of Gov. **Rod Blagojevich**'s inner circle without mentioning the governor. **Christopher Kelly**, the governor's close friend, former campaign manager and early adviser on gaming issues, was indicted on charges of tax fraud for allegedly hiding more than \$1 million of income over five years. He pleaded not guilty.

The indictment says he used corporate funds from his roofing and consulting firms to pay illegal gambling debts and bookies. This comes at a time when the state is considering a massive expansion of gaming to generate money for construction projects and education, but Kelly was not indicted for his political involvement in state matters.

The governor issued a statement: "Chris Kelly is my friend. I am saddened to hear these allegations about Chris' personal life. I know the pain it must be causing him and his family. My thoughts and my prayers are with them during this difficult time. In fairness to Chris, I believe it is important to let the legal process play out and not rush to judgment."

Kelly's indictment was coupled with an expansion of a separate investigation that indicted **Antoin "Tony" Rezko**, a businessman and Blagojevich fundraiser, in October 2006. Rezko pleaded not guilty to allegations that he received kickbacks and illegal fees from investment firms seeking business with the state. Rezko's trial is scheduled to start this month.

Illinois scientists among Nobel Peace Prize winners

Eight atmospheric scientists with the University of Illinois at Urbana-Champaign and two scientists with the Illinois State Water Survey were part of an international panel that shared the 2007 Nobel Peace Prize with former Vice President **Al Gore**.

Their contributions helped form the consensus that humans do contribute to global warming.

The award recognized their contributions to a series of reports of the United Nations Intergovernmental Panel on Climate Change, a collection of scientists from around the world that formed in 1988 over concerns about climate change caused by humans.

But not everything is changing as expected, says **Kenneth Kunkel**, acting chief of the Illinois State Water Survey and contributor to two of the reports. "Globally, some things are very clear, but if you go down to the state of Illinois, there's a lot more variations. For instance, we haven't seen big changes here yet in average temperature."

Kunkel spent much time reviewing the amount of rain. While he says the Midwest has had more heavy rains, southwestern states have had serious drought for up to the past decade. And projections indicate drought could become much more common at the same time the population continues to grow and demand more water in that region.

While he says scientists don't typically expect to win the Nobel Peace Prize, which often is awarded to humanitarian efforts rather than scientific ones, he says it makes sense. "If the worst projections of climate change were to occur, it would indeed have massive humanitarian impacts."

Kunkel says skeptics and advocates can get carried away in interpreting whether one event serves as evidence of climate change. Instead of looking at one event, scientists have to compare trends over 50 to 100 years to identify permanent change.

The other disagreement is over what comes next.

"The public has this idea that scientists are really questioning amongst themselves whether this is real or not," says **Don Wuebbles**, a University of Illinois atmospheric sciences professor and an active member on the panel. "There's no argument going on in the science community at all. The only argument is what we should do about it."

With the awareness generated by the Nobel Peace Prize selection, Wuebbles says certainly there's potential for more governments to prepare for the serious consequences of trends already affecting communities worldwide, such as heat waves.

The United Nations Intergovernmental Panel on Climate Change does not conduct research of its own. The scientists, including those in Illinois, helped write or review four reports about the human influence, the scientific evidence, the potential policies for short- and long-term mitigation and a "synthesis report" targeted at lawmakers. All volunteered their time and were not paid.

The Illinois contributors included:

Kunkel, acting chief of the Illinois State Water Survey and adjunct professor at the University of Illinois at Urbana-Champaign;

Wuebbles, director of the School of Earth, Society and Environment at the university;

Stanley Changnon, the Illinois State Water Survey's first climatologist and an adjunct professor at the university;

Natalia Andronova, **Atul Jain**, **Michael Schlesinger** and **John Walsh**, all atmospheric scientists at the university;

William Chapman, **Katharine Hayhoe** and **Ken Patten**, UIUC scientists.

BIT

Gene Hoffman

The former Republican state representative known as "Mr. Education" died December 28, 2007. He was 75.

He spent 30 years as a teacher and chairman of the Social Studies Department at Fenton High School in Bensenville. He spent 24 years in the state legislature, where he became an education expert.

Elected to the Illinois General Assembly in 1968, he served as deputy minority leader and assistant minority leader under Rep. Lee Daniels in the 1980s.

Sen. Kirk Dillard, a Hinsdale Republican, says as a legislative staffer he drew upon Hoffman's expertise on complex school finance. He says Hoffman's leadership sets an example for the current legislature to follow.

"Gene was a very gregarious, outgoing man. He was a classroom teacher, and he was somebody who both chambers and people of all walks of life liked. If Gene Hoffman were here in Springfield today, this process would go a lot smoother just because he had a unique ability to tackle complex issues and bring people from all parts of Illinois and both political parties together."

Hoffman served on numerous education-related committees at the state and federal levels, including leadership roles for the National Conference of State Legislatures in Washington, D.C., and the Education Commission of the States in Colorado.

His local involvement included such civic organizations as Elmhurst's chamber of commerce, Symphony Orchestra and Jaycees.

His awards matched his commitment to education. He won Legislator of the Year from the National Republican Legislators Association and received the "Mr. Education Award" from the Large Unit District Association.

Hoffman was born in Canton in central Illinois' Fulton County. A U.S. Army veteran, he earned his bachelor's degree from Illinois State University in Normal and his master's in social science and his doctorate in educational administration from Northern Illinois University in DeKalb. He later earned the NIU Distinguished Alumni Award.

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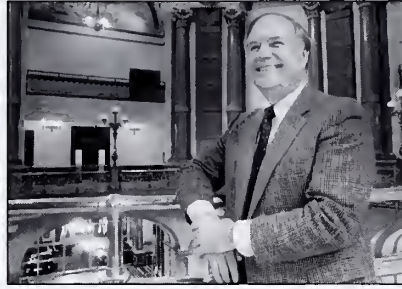
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Charles N. Wheeler III



Illinois experiences a collective sense of déjà vu

by Charles N. Wheeler III

It's déjà vu all over again. Illinoisans can be forgiven if Yogi Berra's celebrated observation comes to mind as the public corruption trial draws near of Antoin "Tony" Rezko, formerly one of Gov. Rod Blagojevich's top fundraisers and key advisers.

Rezko was indicted in October 2006 on 24 counts of using his insider role to extort kickbacks and campaign contributions in return for state contracts and investment business, as part of Operation Board Games, a federal investigation into corruption involving state regulatory and investment panels.

The Wilmette developer and businessman has maintained his innocence and is scheduled to go to trial February 25 in U.S. District Court in Chicago.

When the indictment was announced, less than a month before the gubernatorial election, Blagojevich said he was praying that the charges were not true, but added, "If in fact these allegations relating to Tony are true, he betrayed my trust, he lied to me, he deceived me, but even more important than that, he betrayed the public trust."

In a bombshell filing just before Christmas, though, federal prosecutors suggested for the first time that the governor was aware of Rezko's schemes all along, and in fact volunteered pay-to-play suggestions of his own.

The 78-page document, called a Santiago proffer, laid out major elements of the

In essence, what federal prosecutors are showing the court in the document is the chain of evidence they intend to use to prove beyond a reasonable doubt the criminal offenses they allege actually occurred.

federal government's case against Rezko, including separate conversations between two political insiders already convicted of corruption charges — attorney Joseph Cari and businessman Stuart Levine — and "Public Official A," widely identified as the governor.

Speaking with Cari, "Public Official A" stated that he had a lot of ways of helping his friends and that Rezko and Co-Schemer B were his point people in helping his friends and coordinating fundraising," the document said. "Public Official A also informed Cari that he could award contracts, legal work and investment banking to help with fundraising." Co-Schemer B has been identified as Blagojevich fundraiser Christopher Kelly, under indictment on unrelated federal tax evasion charges.

On another occasion, the document said, Levine thanked Public Official A for

reappointing him to a state medical facilities planning board, which enabled him to shake down hospitals and other interests needing board approval. "Public Official A responded that Levine should only talk with Tony or [Co-Schemer B] about the board," according to the document, then added, "You stick with us and you will do very well for yourself." Blagojevich steadfastly has maintained that he is not Public Official A, and last month he denied the alleged conversations ever took place. The governor also berated reporters for pressing him about the allegations, which he said were "tangential" to pressing public policy issues.

"The reality is, they like to sell newspapers," he said. "They're not interested in concrete solutions to problems for people. They just like controversy and tangents that have no relevance to the quality of life for people."

Much as the governor would like Illinoisans to ignore the federal noose drawing closer around his neck, one might argue that the coming indictment of the state's chief executive is quite relevant to the quality of life for people.

Whoa! What indictment? Isn't that jumping the gun a bit? Not really. Rather, it's a simple matter of following the Rezko proffer to its logical conclusion.

In essence, what federal prosecutors are showing the court in the document is the chain of evidence they intend to use to prove beyond a reasonable doubt the

criminal offenses they allege actually occurred. The links in the chain include the Cari and Levine conversations with Public Official A in which illegal activities were discussed. Under federal case law, Public Official A is a party to the scheme, equally culpable as the other participants. Thus, prosecutors appear duty bound to indict Public Official A, who they allege in the filing was a knowing participant in the illegal activities for which they intend to convict Rezko.

Of course, Blagojevich may very well be innocent, and the conversations the feds say Cari and Levine had with him may never have occurred. Certainly, Levine's recollections may have been influenced by his plea bargain's prospect of trading life behind bars for 67 months.

But that's for the jury or the judge to decide when Blagojevich goes to trial. His indictment, though, seems a certainty, based on what prosecutors say they will prove in the Rezko trial.

If this all sounds familiar, it should. The citizens of Illinois have been down this road before, and not so long ago. Indeed,

If all of this sounds familiar, it should. The citizens of Illinois have been down this road before, and not so long ago.

the current federal inquiry into corruption under Blagojevich bears an uncanny resemblance to the investigation that resulted in former Gov. George Ryan's public corruption conviction in April 2006.

That probe began with allegations of commercial driver's licenses being exchanged for bribes, some of which wound up in Ryan's campaign coffers during his tenure as secretary of state. As the investigation, dubbed Operation Safe Road, moved higher and higher up the political ladder, reporters dutifully noted with each new indictment that Ryan had

not been charged with any crime. The Kankakee Republican consistently maintained his innocence.

Federal prosecutors first linked Ryan to the wrongdoing in December 2002, in another Santiago proffer detailing the government's case against Ryan's top aide, Scott Fawell. The document alleged that Ryan was present when Fawell ordered the destruction of campaign records showing illegal activities before federal investigators could seize them.

One day shy of a year later, Ryan himself was indicted on 21 counts of misusing his public office for personal gain. He was convicted on all counts, and after losing his appeal, reported to the federal prison in Oxford, Wis., last November to begin serving a six-and-a-half-year sentence.

With the Rezko proffer, Illinois moves closer to an unwanted and lamentable distinction — having two former governors in federal prison at the same time. □

Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.

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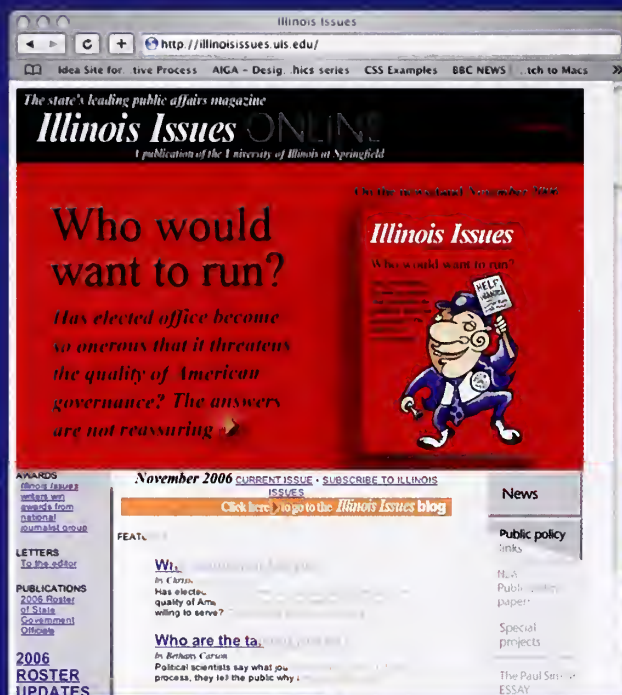
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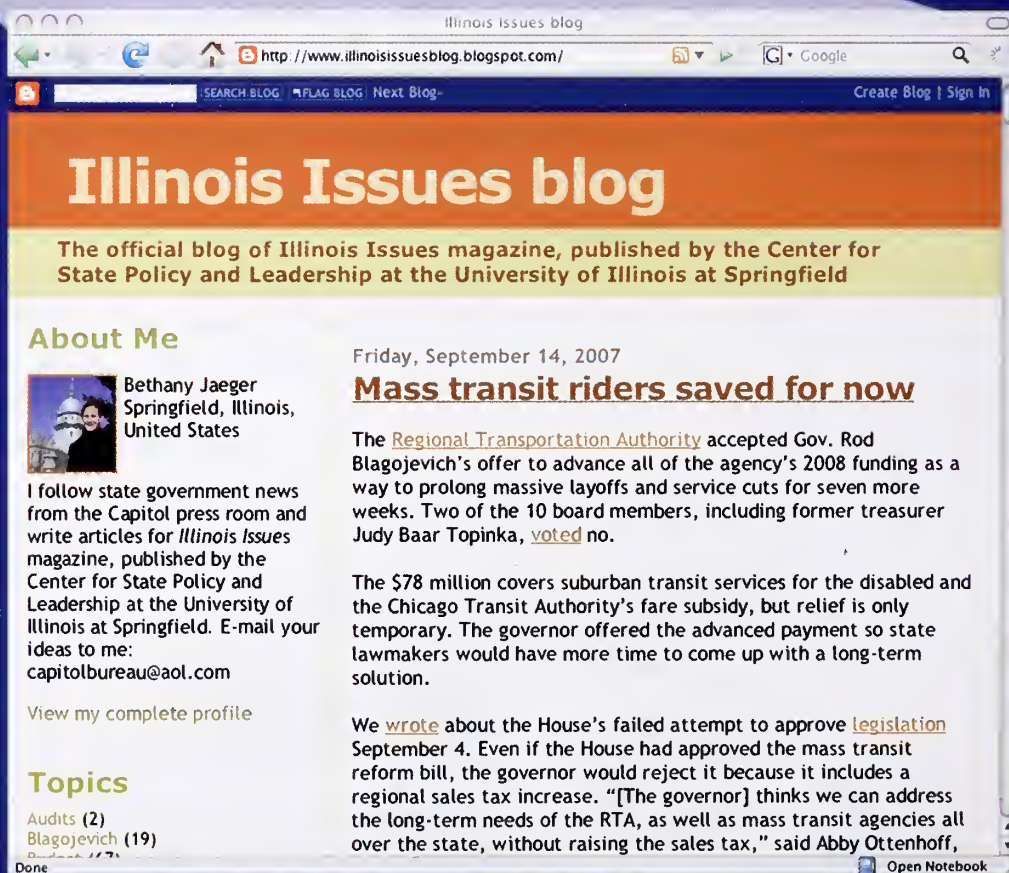
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The National Association of Capitol Reporters and Editors, Capitolbeat, awarded *Illinois Issues'* blog its top prize in online beat reporting for coverage of the spring legislative session. The blog, created by Bethany Jaeger and our then-Public Affairs Reporting intern Deanese Williams-Harris, was updated several times a day as the session ground its way into serious overtime.



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